

Accordingly, we will adopt his recommendation of granting summary judgment in favor of Wilkes, and against Plaintiff, on this claim.

ACCORDINGLY, this 14th day of June, 2012, it is ORDERED as follows:

1. The R&R (Doc. 76) is approved.
2. Pursuant to Magistrate Judge Smyser's recommendation, Defendants' motions for summary judgment (Docs. 53, 63) are granted in part and denied in part as follows:
 - a. The corrections defendants' motion (Doc. 53) is granted insofar as it seeks summary judgment on Plaintiff's claim that Defendant Wilkes allegedly stole and/or ate Plaintiff's cookies.
 - b. The motions are denied in all other respects.
3. The case is remanded to Judge Smyser for further proceedings, including an R&R on dispositive motions.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge