



judgment based on, among other things, Plaintiff's failure to exhaust his administrative remedies [ECF No. 123]. The motion was fully briefed by the parties.

On August 8, 2024, Chief Magistrate Judge Lanzillo issued a Report and Recommendation ("R&R") recommending that Defendant Waggoner's motion be granted and that judgment be entered in favor of Defendant Waggoner and against Plaintiff on the sole remaining claim in this case [ECF No. 182]. Objections to the R&R were due to be filed by August 26, 2024; however, no timely objections have been received by the Court.

After *de novo* review of the complaint and documents in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 28th day of August, 2024;

IT IS HEREBY ORDERED that Defendant Waggoner's motion for summary judgment [ECF No. 123] is GRANTED and judgment is entered in favor of Defendant Waggoner and against Plaintiff on Plaintiff's Fourteenth Amendment excessive use of force claim, which is the sole remaining claim in this case. The report and recommendation of Chief Magistrate Judge Lanzillo, issued August 8, 2024 [ECF No. 182], is adopted as the opinion of the court.

The Clerk is directed to mark this case CLOSED.

  
SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
Chief U.S. Magistrate Judge

all parties of record