

UNITED STATES DISTRICT COURT

for the

District of South Carolina

Frederick Alphonso Demetre Irby,

Petitioner

v.

Warden, Broad River Correctional Institution

Respondent

Civil Action No. 1:14-cv-03583-RMG

JUDGMENT IN A CIVIL ACTION

The court has ordered that (check one):

[ ] the petitioner (name) \_\_\_\_\_ recover from the respondent (name) \_\_\_\_\_ the amount of \_\_\_\_\_ dollars (\$\_\_\_), which includes prejudgment interest at the rate of \_\_\_ %, plus postjudgment interest at the rate of \_\_\_ %, along with costs.

[ ] the petitioner recover nothing, the action be dismissed on the merits, and the respondent (name) \_\_\_\_\_ recover costs from the petitioner (name) \_\_\_\_\_.

[x] other: Summary judgment is hereby entered for the respondent, Warden. The petitioner, Frederick Alphonso Demetre Irby, shall take nothing of the respondent as to the petition filed pursuant to 28 U.S.C. §2254 and this action is dismissed with prejudice.

This action was (check one):

[ ] tried by a jury, the Honorable \_\_\_\_\_ presiding, and the jury has rendered a verdict.

[ ] tried by the Honorable \_\_\_\_\_ presiding, without a jury and the above decision was reached.

[x] decided by the Honorable Richard M. Gergel, United States District Judge, presiding, adopting the Report and Recommendation set forth by the Honorable Shiva V. Hodges, United States Magistrate Judge, which recommended granting the respondent's motion for summary judgment.

Date: April 28, 2015

ROBIN L. BLUME, CLERK OF COURT

s/M. Walker

Signature of Clerk or Deputy Clerk