

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

| | | |
|------------------------------|---|-------------------------------|
| VINCENT D. WOODRUFF, |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 2:13-cv-0085 |
| v. |) | |
| |) | Judge Sharp |
| W.B. MELTON, <i>et al.</i> , |) | Magistrate Judge Brown |
| |) | |
| Defendants. |) | |

ORDER

Pending before the Court is a Report and Recommendation (“R & R”) of the Magistrate Judge, recommending that *Defendant Debbie Deck’s Motion for Summary Judgment* (Docket Entry No. 81) and *Defendants’ [W.B. Melton and Shannon Harvey] Motion for Summary Judgment* (Docket Entry No. 87) be granted and “this action be dismissed against the moving parties for failure to exhaust and for failure to state a claim on which relief may be granted.” (Docket Entry No. 99). The Magistrate Judge further recommended this action count as a strike under 28 U.S.C. § 1915(g). (*Id.* at 15). Plaintiff made a timely objection to the R & R. (Docket Entry No. 103).

Having thoroughly reviewed the record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R.

Accordingly, the Court hereby rules as follows:

(1) The Report and Recommendation (Docket Entry No. 99) is hereby ACCEPTED and APPROVED;

(2) *Defendant Debbie Deck’s Motion for Summary Judgment* (Docket Entry No. 81) is hereby GRANTED;

(3) *Defendants' [W.B. Melton and Shannon Harvey] Motion for Summary Judgment*

(Docket Entry No. 87) is hereby GRANTED;

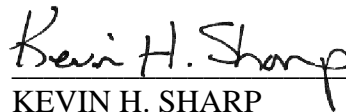
(4) This case is hereby DISMISSED WITH PREJUDICE;

(5) This dismissal shall count as a STRIKE under 28 U.S.C. § 1915(g); and

(6) The Court hereby certifies that any appeal would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE