

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

MAR 18 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

JAMES WHITNER,

Petitioner,

v.

TRACY RAY, ET AL.,

Respondent.

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Civil Action No. 7:09CV00140

FINAL ORDER

By: Hon. Glen E. Conrad
United States District Judge

In accordance with the accompanying memorandum opinion, after de novo review of the portions of the Report and Recommendation of the United States Magistrate Judge's Report and the record that are pertinent to plaintiff's objections, it is

ADJUDGED AND ORDERED

as follows:

1. The plaintiff's objections are overruled;
2. To the extent that the Report recommends the conclusion that the defendants did not use excessive force against plaintiff or otherwise violate his constitutional rights and finds facts in support thereof, the Report is **ADOPTED**;
3. Defendants' motion for summary judgment is **GRANTED**; and
4. This action is hereby stricken from the active docket of the court.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to plaintiff and to counsel of record for the defendants.

ENTER: This 18th day of March, 2010.

[Signature]

United States District Judge