

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS**

**MILO A. JONES,**

**Plaintiff,**

**v.**

**Case No; 04-3255-JWL-DJW**

**JUSTIN COURTNEY,**

**Defendant.**

**ORDER**

On September 13, 2007, a Report and Recommendation was filed by Magistrate Judge Waxse. Objections to the Report and Recommendation were due on or before September 27, 2007 and to date no objections have been filed.

IT IS THEREFORE ORDERED that the court adopts the Report and Recommendation (doc. 135) and orders that judgment be entered in favor of Plaintiff Milo A. Jones against Defendant Justin Courtney for compensatory damages in the amount of \$20,000.00.

IT IS FURTHER ORDERED that the court enters a declaratory judgment that Defendant Justin Courtney violated Plaintiff Milo A. Jones' rights under the Eighth and Fourteenth Amendments.

IT IS FURTHER ORDERED that Plaintiff Milo A. Jones' is awarded attorneys fees pursuant to 42. U.S.C. § 1988 and that Plaintiff Milo A. Jones is directed to file a motion for fees pursuant to Federal Rule of Civil Procedure 54(d)(2).

**IT IS SO ORDERED.**

Dated this 28<sup>th</sup> day of September, 2007, at Kansas City, Kansas.

s/ John W. Lungstrum

John W. Lungstrum

United States District Judge