

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

SHAWN L. BURKS, #188 755,

Plaintiff,

v.

DAVE SUTTON, SHERIFF, *et al.*,

Defendants.

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1:07-CV-337-MHT  
[WO]

**OPINION**

This litigation is now before the court on the recommendation of the United States Magistrate Judge entered on August 19, 2008, that plaintiff’s motion to dismiss should be granted; that this case should be dismissed without prejudice; and that no costs should be taxed. After a review of the recommendation, to which no one has objected, and after an independent and de novo review of the entire record, the court believes that the recommendation should be adopted. An appropriate judgment will be entered.

DONE, this the 10th day of September, 2008.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE