

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

TERRENCE PONCEY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.1:08cv652-TMH
)	(WO)
DOTHAN CITY POLICE DEPT.,)	
<i>et al.</i> ,)	
)	
Defendants.)	

ORDER

The Magistrate Judge filed a Recommendation (Doc. #20) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

1. ORDERED that the RECOMMENDATION (Doc. #20) of the Magistrate Judge is ADOPTED;
2. Plaintiff’s claims under 42 U.S.C. § 1983 against the Dothan City Police Department are DISMISSED with prejudice prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(I);
3. The Dothan City Police Department is DISMISSED as a party to this cause of action;

4. Plaintiff's claim of verbal abuse is DISMISSED with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(I); and

5. This case, with respect to the claims against the remaining defendants, is referred back to the Magistrate Judge for appropriate proceedings.

Done this 4th day of December, 2008.

/s/ Truman M. Hobbs

UNITED STATES DISTRICT JUDGE