

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

JIMMY BALLARD,)	
)	
Plaintiff,)	
v.)	CASE NO. 1:08-cv-0824-MEF
)	
THE SHERWIN WILLIAMS CO., <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On February 27, 2009, the Magistrate Judge filed a Recommendation (Doc. #105) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is the

ORDER, JUDGMENT and DECREE of the court that:

1. The Recommendation of the Magistrate Judge is ADOPTED.
2. This case is DISMISSED without prejudice for lack of prosecution.
3. The Motion to Dismiss contained in defendants' Motion to Require Plaintiff to Show Cause Why His Claims Should Not Be Dismissed (Doc. #103) is GRANTED.
4. Any remaining outstanding motions are DENIED as moot.

DONE this the 19th day of March, 2009.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE