

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

DARRELL SMEDLEY,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:09-cv-1061-MEF
)	
OZARK POLICE DEPT., <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On February 5, 2010, the Magistrate Judge issued a Recommendation (Doc. #10) to which the Plaintiff filed a notice that he had no objections. Upon an independent review of the record and upon consideration of the Recommendation of the Magistrate Judge, it is the ORDER, JUDGMENT and DECREE that:

(1) Plaintiff’s claims against Defendant Ozark Police Department are dismissed without prejudice prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(ii).

(2) The Clerk of Court is **DIRECTED** to serve the Summons, Complaint, Amended Complaint, a copy of all Orders entered by the Court, and a copy of the Report and Recommendation on Officer Tripp.

(3) This case be referred back to the Magistrate Judge for additional proceedings.

DONE this the 1st day of March, 2010.

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