

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

DONNELL FLOURNOY, #126 385, )  
)  
Plaintiff, )  
)  
v. )  
)  
)  
MARK CULVER, *et al.*, )  
)  
Defendants. )

CASE NO. 1:10-cv-104-ID  
[WO]

**ORDER**

The Magistrate Judge entered a Recommendation (Doc. #4) 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

ORDERED that the RECOMMENDATION (Doc. #4) of the Magistrate Judge is ADOPTED. It is further

ORDERED that

1. Plaintiff's claims against Defendants Culver, Jones, and Napa are DISMISSED with prejudice, prior to service of process, pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and/or (iii);
2. Houston County Commissioner Culver, Lieutenant Jones, and Lieutenant Napa are DISMISSED as defendants to this cause of action; and

3. This case, with respect to Plaintiff's claims against the remaining defendants, is REFERRED back to the Magistrate Judge for appropriate proceedings.

Done this 11<sup>th</sup> day of March, 2010.

/s/ Ira DeMent  
SENIOR UNITED STATES DISTRICT JUDGE