

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

| | | |
|-------------------------------|---|---------------------------|
| KENNETH W. DAVIDSON, #274925, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | CASE NO. 1:12-cv-0687-TMH |
| |) | WO |
| ALABAMA DEPARTMENT OF |) | |
| CORRECTIONS, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The petitioner's objection (Doc. #12) to the Recommendation of the Magistrate Judge filed on September 7, 2012 is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #9) filed on August 27, 2012 is adopted;
3. Plaintiff's claims against the Alabama Department of Corrections is DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i).
4. The Alabama Department of Corrections is DISMISSED as a party to this complaint.
5. This case with respect to the remaining defendants is referred back to the Magistrate Judge for additional proceedings.

DONE this the14th day of September, 2012.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE