

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

CHRISTOPHER C. LIVELY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 1:12cv795-TMH
	)	
SHERIFF WALLY OLSEN, et al.,	)	
	)	
Defendants.	)	

**ORDER AND OPINION**

On September 20, 2012, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 8). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. Plaintiff's complaint against Defendant McVickers is DISMISSED with prejudice prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(I-ii);
2. Defendant McVickers is DISMISSED as a party to the complaint;
3. This case with respect to the remaining defendants is referred back to the Magistrate Judge.

Done this the 18th day of October, 2012.

/s/ Truman M. Hobbs  
TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE