

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

ERMA SMITH,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:13cv869-MEF
)	
HOUSTON COUNTY SHERIFF’S)	
DEPARTMENT,)	
)	
Defendant.)	

ORDER

On December 23, 2013, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 11). 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 is ADOPTED and that pursuant to defendant’s Rule 12(b)(6) motion and 28 U.S.C. § 1915(e)(2)(B)(ii):

1. The motion to dismiss is GRANTED; and
2. Plaintiff is allowed a period of fifteen days, to and including January 24, 2014, to amend her complaint to name as the defendant the Houston County Sheriff, in his official capacity, or – if plaintiff was not employed by the sheriff – the legal entity that served as plaintiff’s employer during the events at issue.

DONE this the 13th day of January, 2014.

/s/ Mark E. Fuller

UNITED STATES DISTRICT JUDGE