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

JAMES R. BROWN,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:08cv707-TMH
)	
ELMORE COUNTY, AL)	
SHERIFF'S OFFICE, et al.,)	
)	
Defendants.)	

OPINION AND ORDER

On September 5, 2008, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. #7). 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. Plaintff's claims against the Elmore County Sheriff's Department are DISMISSED prior to service in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(I)
- 2. The Elmore County Sheriff's Department is DISMISSED as a party to the complaint.
- 3. Plaintiff's access to courts claim is DISMISSED prior to service pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

4.	This case with respect to the remaining defendant is referred back to the	е
	Magistrate Judge for appropriate proceedings.	
Done	this the 7 th day of October, 2008.	

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