

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

WILLIE SAM BIVENS, # 187196,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:08cv807-MHT
)	(WO)
OFFICER B. WALKERS, et al.,)	
)	
Defendants.)	

ORDER

On November 21, 2008, the magistrate judge filed a recommendation in this case to which no timely objections have been filed. Upon an independent and de novo 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 (Doc. # 30) is adopted and that:

1. The plaintiff's claims against defendant Alabama Department of Corrections are dismissed with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(I).
2. Defendant Alabama Department of Corrections is dismissed.
3. This case, with respect to the plaintiff's claims against all remaining defendants, is referred back to the magistrate judge for appropriate proceedings.

DONE, this the 16th day of December, 2008.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE