

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

CHRISTOPHER P. HAWES, #258240,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:08cv930-TMH
)	
TRACEY M. BOWDEN, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

The Magistrate Judge filed a Recommendation (Doc. #6) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

ORDERED that the RECOMMENDATION (Doc. #6) of the Magistrate Judge is ADOPTED. Plaintiff’s request to institute criminal proceedings against Defendant Bowden is DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i). Plaintiff’s request for injunctive or declaratory relief is DISMISSED as moot. Plaintiff’s *respondeat superior* claim against Defendants Roberts, Bowers, and Franklin is DISMISSED with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Plaintiff’s complaint against the Elmore County Jail is DISMISSED with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Plaintiff’s complaint against the Elmore County Commission is DISMISSED with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)

and (iii). Plaintiff's complaint against Defendant Bowers, Franklin, Roberts, and the Elmore County Community Hospital is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). This case, with respect to the remaining defendant, is REFERRED back to the Magistrate Judge for further proceedings. An appropriate judgment will be entered.

Done this 13th day of January, 2009.

/s/ Truman M. Hobbs

UNITED STATES DISTRICT JUDGE