

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

MARK DAWSON, #163066,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:08cv946-MHT
)	(WO)
ALEX CITY WORK RELEASE, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

The magistrate judge filed a recommendation in this case to which no timely objections have been filed. After a review of the recommendation and after an independent and de novo review of the entire record, the court believes that the recommendation should be adopted. Accordingly, it is ORDERED that;

(1) The recommendation of the magistrate judge (doc. #7) is adopted.

(2) Plaintiff’s claims pursuant to 42 U.S.C. § 1983 against defendant Alex City Work Release are dismissed with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(I) because defendant Alex City Work Release is not a legal entity subject to suit.

(3) Plaintiff’s claims pursuant to 42 U.S.C. § 1983 against defendant Alabama Department of Corrections are dismissed with prejudice in accordance with the directives of 28 U.S.C. § 1915 because defendant Alabama Department of Corrections is a state agency entitled to absolute immunity from suit under the Eleventh Amendment.

(4) Defendants Alex City Work Release and Alabama Department of Corrections are dismissed.

(5) This matter, with respect to the claim lodged against defendant Warden James Carlton, is referred back to the magistrate judge for appropriate proceedings.

DONE, this the 31st day of December, 2008.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE