

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

BILLY DWIGHT ESCO, #243253,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:09cv04-TMH
	)	(WO)
LT. STEEL, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On July 9, 2009, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 27). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED as follows:

1. That the Recommendation be and is hereby ADOPTED.
2. That the plaintiff's claims against the Alabama Department of Corrections, the State of Alabama, Associate Commissioner James DeLoach, and Commissioner Richard Allen be and are hereby DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and (iii).
3. That the Alabama Department of Corrections, the State of Alabama, Associate Commissioner James DeLoach, and Commissioner Richard Allen be and are hereby DISMISSED as defendants in this cause of action.
4. That this case, with respect to the plaintiff's claims against the remaining defendants, be and is hereby REFERRED BACK to the Magistrate Judge for additional proceedings.

Done this the 15th day of September, 2009.

/s/ Truman M. Hobbs

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TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE