

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

DERRICK DEWAYNE KELLEY, #230879, )

Plaintiff, )

v. )

2:09-CV-035-TMH

[WO]

LT. STEEL, *et al.*, )

Defendants. )

**ORDER**

On January 21, 2009, the Magistrate Judge filed a Report and Recommendation (Doc. 4) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation (Doc. 4) of the Magistrate Judge is ADOPTED; and
2. The Plaintiff's claims be dismissed with prejudice prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i).

An appropriate judgment will be entered.

Done this 3<sup>rd</sup> day of March, 2009.

/s/ Truman M. Hobbs

SENIOR UNITED STATES DISTRICT JUDGE