

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

MARK HIMMELBERGER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:09cv43-TMH
)	
OFFICER DAVIS, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION and ORDER

This litigation is now before the court on the recommendation of the United States Magistrate Judge entered on May 22, 2009 (doc. # 27), that this case be dismissed without prejudice for the plaintiff's abandonment of his claims, his failure to comply with the orders of the court and his failure to properly continue prosecution of this cause of action. After a review of the recommendation, to which no timely objections have been filed, and after an independent review of the entire record, the court believes that the recommendation should be adopted. Accordingly, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that this case be and is hereby DISMISSED without prejudice.

An appropriate judgment will be entered.

Done this the 22nd day of June, 2009.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE