

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

RICHARD HENLEY, #123 127,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:09cv55-WHA
)	
SEVEN McGRIFF, <i>et al.</i> ,)	(WO)
)	
Defendants.)	

ORDER

The Magistrate Judge filed a Recommendation (Doc. #2) 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. #2) of the Magistrate Judge is ADOPTED. Plaintiff's complaint under 42 U.S.C. § 1983 is DISMISSED without prejudice as the Court construes it to be an amendment to the complaint already pending in Civil Action No. 2:08-CV-1004-WKW, and it has been docketed as such in that case. An appropriate judgment will be entered.

Done this 23rd day of February, 2009.

/s/ W. Harold Albritton
UNITED STATES DISTRICT JUDGE