

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

THOMAS BURNS, # 226375,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:09cv100-WHA
	)	
LOUIS BOYD, WARDEN, et al.,	)	
	)	
Defendants.	)	

**ORDER AND OPINION**

On February 20, 2009, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 9). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. Plaintiff's claims against Commissioner Allen are DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(I);
2. Commissioner Allen is DISMISSED as a party to this complaint; and
3. This case with respect to the remaining defendant is REFERRED back to the undersigned for additional proceedings.

Done this the 18th day of March, 2009.

/s/ W. Harold Albritton  
SENIOR UNITED STATES DISTRICT JUDGE