

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

ROY LEE DICKEY, #201031,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:09cv134-TMH
)	
RICHARD ALLEN, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION and ORDER

On March 131, 2009, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed (doc. # 4). 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 be and are hereby DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i).
3. That the Alabama Department of Corrections be and is hereby DISMISSED as a defendant in this cause of action.
4. That this case, with respect to the plaintiff's claims against the remaining defendants, be and are hereby REFERRED BACK to the Magistrate Judge for appropriate proceedings.

Done this the 8th day of April 2009.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE