

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

JOHN USHER, #243 376, )  
)  
Plaintiff, )  
)  
v. )  
)  
SGT. IBETH JONES, *et al.*, )  
)  
Defendants. )

CASE NO.: 2:09-cv-145-TMH

**ORDER**

The Magistrate Judge entered a Recommendation (Doc. #7) 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. #7) of the Magistrate Judge is ADOPTED. Plaintiff's complaint pursuant to 42 U.S.C. § 1983 is DISMISSED, with prejudice and prior to service of process under 28 U.S.C. § 1915(e)(2)(B)(i) and (ii), because the allegations of the complaint are frivolous and fail to state a claim on which relief may be granted. An appropriate judgment will be entered.

Done this 8th day of April, 2009.

/s/ Truman M. Hobbs

UNITED STATES DISTRICT JUDGE