

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

JASON PARTIN, #179096,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:09-CV-328-TMH
)	[WO]
)	
OFFICER McCLENDON, et al.,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

Jason Partin [“Partin”], a state inmate, filed this 42 U.S.C. § 1983 action on April 13, 2009. Subsequently, and prior to service of the complaint, Partin filed a motion to dismiss this cause of action without prejudice (Court Doc. No. 5). Upon consideration of the plaintiff’s motion to dismiss and as the complaint has not been served on the defendants, the court finds that this motion is due to be granted. Rule 41(a)(1), *Federal Rules of Civil Procedure*.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that:

1. The plaintiff’s motion to dismiss be GRANTED.
2. This case be DISMISSED without prejudice.

It is further

ORDERED that **on or before June 4, 2009** the plaintiff may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge’s Recommendation to which the party is objecting. Frivolous, conclusive

