

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

STEPHEN PAUL McCARY, #246384,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:09cv405-WHA
)	(WO)
LT. STEELE, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On May 22, 2009, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 5). 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 claim against the Staton Health Care Unit be and are hereby DISMISSED with prejudice in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i).
3. That the Staton Health Care Unit 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 is hereby REFERRED BACK to the Magistrate Judge for additional proceedings.

Done this the 10th day of June 2009.

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