

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 July 9, 2009, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 25). 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 defendant CMS's motion to dismiss (doc. # 12) be and is hereby GRANTED.
3. That defendant CMS be and is hereby DISMISSED with prejudice 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 30th day of July 2009.

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