

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

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|-----------------------------|---|------------------|
| SAMMIE A. SMITH, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| 5. |) | CIVIL ACTION NO. |
| |) | 2:09cv508-MHT |
| THOMAS HEAD, CIRCUIT JUDGE, |) | (WO) |
| PIKE COUNTY, ALABAMA; and |) | |
| TERRI WILLINGHAM THOMAS, |) | |
| JUDGE, STATE OF ALABAMA |) | |
| COURT OF CIVIL APPEALS |) | |
| |) | |
| Defendants. |) | |

JUDGMENT

In accordance with the memorandum opinion entered this date, it is the ORDER, JUDGMENT, and DECREE of the court:

(1) That plaintiff Sammie A. Smith's motion to proceed in forma pauperis (Doc. No. 2) is granted to the extent that the complaint shall be filed without the prepayment of fees; and

(2) That plaintiff Smith's complaint is dismissed without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(iii).

It is further ORDERED that costs are taxed against plaintiff Smith, for which execution may issue.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DONE, this the 4th day of June, 2009.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE