

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

FRANK JONES, # 118930,)
)
Plaintiff,)
)
v.)
)
WILLIE THOMAS, *et al.*,)
)
Defendants.)

CASE NO. 2:09-cv-577-ID
[WO]

ORDER

The Magistrate Judge entered a Recommendation (Doc. No. 6) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon CONSIDERATION of the Recommendation of the Magistrate Judge, said Recommendation is hereby adopted. It is further ORDERED as follows:

1. Plaintiff’s claims against the Alabama Department of Corrections are DISMISSED, with prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i);
2. The Alabama Department of Corrections is DISMISSED as a defendant in this cause of action; and
3. This case, with respect to the allegations set forth against the remaining defendants, be referred back to the Magistrate Judge for appropriate proceedings.

Done this 7th day of August, 2009.

/s/ Ira DeMent

SENIOR UNITED STATES DISTRICT JUDGE