

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

SYLVESTER JONES, #196149,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:09-CV-597-ID
)	[WO]
)	
RICHARD ALLEN, et al.,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

Sylvester Jones [“Jones”], a state inmate, filed the instant complaint alleging problems with inmate mail at the Bullock County Correctional Facility. On August 20, 2009, Jones filed a motion to dismiss in which he seeks to dismiss Anthony Jackson, Sandra Cooper, Tasha Johnson, Lloyd Hicks, Michael McCraney and Jerome Burney as defendants.

Upon consideration of the plaintiff’s motion to dismiss, the court concludes that this motion is due to be granted. Furthermore, since it is undisputed that defendants Jackson, Cooper, Johnson, Hicks, McCraney and Burney were not in any way involved with the actions about which the plaintiff complains, the court discerns that any claims against these individuals should be dismissed with prejudice.

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

1. The plaintiff's motion to dismiss be GRANTED.

2. The plaintiff's claims against Anthony Jackson, Sandra Cooper, Tasha Johnson, Lloyd Hicks, Michael McCraney and Jerome Burney be dismissed with prejudice.

3. Anthony Jackson, Sandra Cooper, Tasha Johnson, Lloyd Hicks, Michael McCraney and Jerome Burney be dismissed as parties to this cause of action.

4. This case, with respect to the plaintiff's claims against the remaining defendants, be referred back to the undersigned for additional proceedings.

It is further

ORDERED that on or before September 20, 2009 the parties 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 or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981,

en banc), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done, this 8th day of September, 2009.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE