

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

ARTHUR L. SMOOTS, #153110,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:09-cv-627-TMH
	)	WO
JOHN R. LOCKETT, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. # 5) to the Recommendation of the Magistrate Judge filed on July 22, 2009 is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #4) filed on July 8, 2009 is adopted;
3. This case is DISMISSED with prejudice prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i), (ii) and (iii).

DONE this 18th day of September, 2009.

/s/ Truman M. Hobbs

---

TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE