

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

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NORMAN JOSEPH CONKLE, II,  
#213 950

Plaintiff,

v.

STATE OF ALABAMA DEPT. OF  
CORRECTIONS,

Defendant.

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2:09-CV-628-ID  
(WO)

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

Plaintiff filed this complaint on July 6, 2009. On September 30, 2009, before any response to the complaint by the defendants, he filed a motion to dismiss the complaint. Upon review of the file in this case, the court concludes that Plaintiff's motion to dismiss is due to be granted. FED.R.CIV.P. 41(a)(1).

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that Plaintiff's motion to dismiss (*Doc. No. 10*) be GRANTED and that this case be dismissed without prejudice.

It is further

ORDERED that the parties are DIRECTED to file any objections to the Recommendation on or before **October 21, 2009**. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which a party objects.

