

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

JOHN E. WHITE, #148157,	)	
	)	
Plaintiff,	)	
v.	)	CIVIL ACTION NO. 2:09cv678-MEF
	)	(WO)
RICHARD ALLEN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On August 12, 2009, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 22). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED as follows:

1. That the Recommendation be and is hereby ADOPTED.
2. That the plaintiff's claims against Richard Allen be and are hereby DISMISSED with prejudice prior to service of process pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(i).
3. That Richard Allen be and is hereby DISMISSED as a defendant in this cause of action.
4. That the plaintiff's claims with regard to alleged violations of other inmates' constitutional rights and the profane/abusive language claim be and are hereby summarily DISMISSED with prejudice in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

5. That this case, with respect to the plaintiff's remaining claims against defendants Cummins, Woods and Napier, be and is hereby REFERRED BACK to the Magistrate Judge for appropriate proceedings.

Done this the 10<sup>th</sup> day of September 2009.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE