

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

TOMMIE McCALL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:09cv797-TMH
	)	
MONTGOMERY POLICE DEPARTMENT,	)	
	)	
Defendants.	)	

**ORDER AND OPINION**

On February 18, 2010, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 10). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that the plaintiff's motion to dismiss is GRANTED and that this case be DISMISSED without prejudice.

Done this the 11<sup>th</sup> day of March, 2010.

/s/ Truman M. Hobbs

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SENIOR UNITED STATES DISTRICT JUDGE