

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

JAMES EDWARD MOORE, ¹)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:09cv844-TMH
)	
KATHY HOLT,)	
)	
Defendant.)	

ORDER AND OPINION

On July 30, 2012, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 45). 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:

1. The defendant's motion for summary judgment is GRANTED.
2. Judgment is GRANTED in favor of the defendant.
3. This case is dismissed with prejudice.
4. The costs of this proceeding are taxed against the plaintiff.

¹ At the initiation of this case, Moore was incarcerated in the State of New York and in his *in forma pauperis* application referenced his New York inmate identification number. Moore did not list his Alabama inmate identification number, AIS #122682, or his alias, Jackie Moore, in either the complaint or financial forms. This caused confusion in the initial special report filed by the defendant, as she used the records of James Edward Moore, AIS #232677, in formulating her first response to the complaint. Upon defendant Holt's receiving the appropriate information regarding the actual identity of the plaintiff, Holt filed a supplemental special report addressing the claim raised in the complaint (Doc. No. 39) and submitted evidentiary materials relevant thereto (Doc. No. 39-1 and Doc. No. 44-1).

Done this 30th day of August, 2012.

/s/ Truman M. Hobbs
TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE