

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

TYRONE HARRIS, #118835, )  
)  
Plaintiff, )  
)  
v. )  
)  
RICHARD ALLEN, *et al.*, )  
)  
Defendants. )

CASE NO. 2:09-CV-965-ID

**ORDER**

The Magistrate Judge entered a Recommendation (Doc. No. 4) in this case to which no timely objections have been filed.<sup>1</sup> After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

ORDERED that the RECOMMENDATION of the Magistrate Judge is ADOPTED.

It is further

ORDERED as follows:

1. Plaintiff’s claims against the Alabama Department of Corrections are DISMISSED, with prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(I);
2. The Alabama Department of Corrections is DISMISSED as a defendant in

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<sup>1</sup> Plaintiff did file a document in response to the Recommendation, *see* Response (Doc. No.8), which, in substantive part, only urged the Court to “evaluate his claim carefully.” Accordingly, the Magistrate Judge construed this pleading as a Motion for Reconsideration of the Recommendation and denied it. *See* Order (Doc. No. 9). Plaintiff’s “Response” omits any substantive objection to the proposed findings of the Recommendation.

this cause of action; and

3. This case, with respect to the allegations set forth against the remaining defendants, is referred back to the Magistrate Judge for appropriate proceedings.

Done this 16<sup>th</sup> day of November, 2009.

/s/ Ira DeMent

SENIOR UNITED STATES DISTRICT JUDGE