

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

NUE CHEER FRANKLIN,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:09-cv-1075-MEF
	)	WO
THE HEALTHCARE AUTHORITY FOR	)	
BAPTIST HEALTH, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #68) to the Recommendation of the Magistrate Judge filed on May 11, 2010 is overruled;

2. The Recommendation of the Magistrate Judge (Doc. #65) filed on April 15, 2010 is adopted;

3. The defendants' motion to dismiss (Doc. #33-2) the Montgomery Police Department as a defendant is GRANTED pursuant to Fed.R.Civ.P. 12(b)(6).

4. The plaintiff's kidnapping claim is DISMISSED as frivolous in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i).

5. The defendants' motions to dismiss the remaining federal claims, including the RICO, § 1985, and HIPAA claims, with prejudice pursuant to Fed.R.Civ.P. 12(b)(6) is GRANTED (Doc. #16, #23, & #33-2).

6. The plaintiff's supplemental state law claims are DISMISSED without prejudice.

DONE this the 12<sup>th</sup> day of August, 2010.

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