

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

PETER MAKUSI OTEMBA OWUOR,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:09-cv-1166-MEF
)	
U.S. DEPT. OF HOMELAND)	
SECURITY, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On October 4, 2012, the Magistrate Judge filed a Recommendation (Doc. #66) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is the

ORDER, JUDGMENT and DECREE of the court that:

1. The Recommendation of the Magistrate Judge is ADOPTED.
2. Plaintiff's claims against defendant U.S. Department of Homeland Security are DISMISSED for lack of subject matter jurisdiction.
3. The motions for summary judgment filed on behalf of defendants Diamond and Henderson are GRANTED and the claims asserted against these defendants are DISMISSED with prejudice.
4. The motions for summary judgment filed on behalf of defendants Taylor, Bright, and City of Montgomery are GRANTED and the claims asserted against these defendants are DISMISSED with prejudice.

DONE this the 25th day of October, 2012.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE