

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

TILLMAN NORTH, AIS # 252941,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:10cv89-WHA
	)	
DEPT. OF CORRECTIONS, et al.,	)	
	)	
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. # 6). 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 plaintiff’s claims against the Alabama Department of Corrections is 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 this cause of action.
3. This case, with respect to the allegations set forth against defendant Ware, are referred back to the Magistrate Judge for appropriate proceedings.

Done this the 10th day of March, 2010.

/s/ W. Harold Albritton  
SENIOR UNITED STATES DISTRICT JUDGE