

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

CODY ALLEN ARAIZA,)
)
 Plaintiff,)
)
 v.)
)
 ELMORE COUNTY COMM., *et al.*,)
)
 Defendants.)

CASE NO. 2:10-cv-163-ID

ORDER

On March 1, 2010, the Magistrate Judge entered a Recommendation (Doc. No. 4) in this case to which no timely objections have been filed. 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 be and the same is hereby ADOPTED.

It is further ORDERED as follows:

- a. Plaintiff's claims against the Elmore County Commission are DISMISSED with prejudice, prior to service of process, pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and (iii);
- b. The Elmore County Commission is DISMISSED as a defendant to this cause of action; and
- c. This case, with respect to Plaintiff's claims against the remaining defendants, is REFERRED back to the Magistrate Judge for appropriate proceedings.

Done this 25th day of March, 2010.

/s/ Ira DeMent

SENIOR UNITED STATES DISTRICT JUDGE