

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

TILLMAN NORTH, AIS# 252941, )  
)  
Plaintiff, )  
)  
v. )  
)  
WARDEN DANIELS, et al., )  
)  
Defendants. )

CIVIL ACTION NO. 2:10cv205-ID

**ORDER AND OPINION**

On March 15, 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 and the Elmore Correctional Facility are DISMISSED with prejudice in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(I).

2. The Alabama Department of Corrections and the Elmore Correctional Facility are DISMISSED as defendants in this cause of action.

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

Done this the 9<sup>th</sup> day of April, 2010.

/s/ Ira DeMent  
SENIOR UNITED STATES DISTRICT JUDGE