Whitley v. Albright et al (INMATE 2) Doc. 35

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

GALE ACREMAN WHITLEY, #255002,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:10-cv-315-TMH
	)	
	)	
WARDEN FRANK ALBRIGHT, *et al.*,	)	
	)	
Defendant.	)	

ORDER

The Magistrate Judge entered a Recommendation (Doc. #21) 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 (Doc. #21) of the Magistrate Judge is ADOPTED. It is further

ORDERED as follows:

1. Plaintiff's claims against the Julia Tutwiler Prison for Women and the Alabama Department of Corrections are DISMISSED with prejudice prior to service of process under 28 U.S.C. § 1915 (e)(2)(B)(i);

2. The Julia Tutwiler Prison for Women and the Alabama Department of Corrections are DISMISSED as parties to this cause of action;

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3. Plaintiff's claims of verbal abuse and harassment are DISMISSED with prejudice prior to service of process under 28 U.S.C. § 1915 (e)(2)(B)(i); and

4. This case, with respect to Plaintiff's remaining claims against Warden Frank Albright is REFERRED back to the Magistrate Judge for further proceedings.

A separate judgment shall issue.

Done this 14th day of September, 2010.

/s/ Truman M. Hobbs

UNITED STATES DISTRICT JUDGE