

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

KINWEN L. STALLWORTH, #203660, )  
)  
Plaintiff, )  
)  
v. )  
)  
KILBY CORRECTIONAL FACILITY, )  
et al., )  
)  
Defendants. )

CIVIL ACTION NO. 2:10cv469-ID

**ORDER AND OPINION**

On September 8, 2010, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 15). 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. Plaintiff’s claims against the Kilby Correctional Facility are DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(I);
  2. The Kilby Correctional Facility is DISMISSED as a party to the complaint;
- and

3. This case with respect to the remaining defendants is referred back to the Magistrate Judge for additional proceedings.

Done this the 29<sup>th</sup> day of September, 2010.

/s/ Ira DeMent  
SENIOR UNITED STATES DISTRICT JUDGE