

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

BENNIE FRANK LEWIS, #171958,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIV. ACT. NO. 2:10cv489-TMH
	)	
SANDRA GILES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION and ORDER**

On July 27, 2010, the Magistrate Judge filed a Recommendation in this case recommending that the plaintiff’s motion for a preliminary injunction be denied. (Doc. # 33). The Magistrate Judge noted that the plaintiff was due to be transferred to Donaldson Correctional Facility or be released by August 14, 2010. *Id.* On September 1, 2010, the Magistrate Judge filed another Recommendation in this case recommending that the case be dismissed for the plaintiff’s failure to respond to the court’s orders and to properly prosecute this action. (Doc. # 34). The Court has been advised by the Alabama Department of Corrections that the plaintiff has now been released from custody. Furthermore, no timely objections to the Recommendations of the Magistrate Judge have been filed. Accordingly, upon an independent review of the file in this case and upon consideration of the Recommendations of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendations of the Magistrate Judge be and are hereby ADOPTED, that the plaintiff’s motion for a preliminary injunction (doc. #

13) be and is hereby DENIED, and that this case be and is hereby DISMISSED without prejudice for the plaintiff's failure to comply with the orders of the court and his failure to properly prosecute this action.

Done this the 28th day of September, 2010.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE