

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

| | | |
|--------------------------------------|---|-------------------------------|
| MARK ALAN HIMMELBERGER, |) | |
| AIS # 247568, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 2:10cv611-ID |
| |) | (WO) |
| WILLIAM J. THORNTON, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

OPINION and ORDER

On July 26, 2010, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. No. 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 as follows that:

1. The Recommendation of the Magistrate Judge be and is hereby ADOPTED;
2. The plaintiff's claims against the Montgomery Police Department be and are hereby summarily DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i);
3. The Montgomery Police Department be and is hereby DISMISSED as a defendant in this cause of action; and

4. This case, with respect to the plaintiff's claims against defendant Thornton, be and is hereby REFERRED BACK to the Magistrate Judge for appropriate proceedings.

Done this 25th day of August, 2010.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE