

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

BILLY W. ANDERSON, #183981,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:10-cv-0693-TMH
	)	WO
RICHARD ALLEN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #17) to the Recommendation of the Magistrate Judge filed on November 16, 2010 is overruled;

2. The Recommendation of the Magistrate Judge (Doc. #15) filed on November 3, 2010 is adopted;

3. Plaintiff's claims against the Alabama Department of Corrections are DISMISSED with prejudice prior to service of process under 28 U.S.C. § 1915(e)(2)(B)(i) and the Alabama Department of Corrections is DISMISSED as a party to this cause of action.

4. This case with respect to plaintiff's claims against the remaining defendants is referred back to the Magistrate Judge for further proceedings.

DONE this the 15th day of December, 2010.

/s/ Truman M. Hobbs

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TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE