

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

MERNARD BERRY, AIS #265527,	)	
	)	
Plaintiff,	)	
	)	
v.	)	2:10-CV-793-TMH
	)	[WO]
	)	
ALABAMA DEPT. OF CORRECTIONS,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On October 7, 2010, the Magistrate Judge filed a Recommendation (Doc. 6) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation (Doc. 6) of the Magistrate Judge is ADOPTED, and
2. This case be DISMISSED with prejudice prior to service of process under 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

An appropriate judgment will be entered.

Done this 2nd day of November, 2010.

/s/ Truman M. Hobbs

SENIOR UNITED STATES DISTRICT JUDGE