

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

DARELLE FORTNER, #268 847 *

Plaintiff, *

v. * 2:10-CV-809-WKW
(WO)

COI STEVEN CANTY, *et al.*, *

Defendants. *

RECOMMENDATION OF THE MAGISTRATE JUDGE

On October 26, 2010 Plaintiff filed a pleading which the court considers to contain a Motion to Dismiss Defendants Woods, Barbers, Sconyers, and Boyd from this cause of action. (*See Doc. No. 8.*) Upon review of the motion, the court concludes that it should be granted.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that:

1. Plaintiff's October 26, 2010 Motion to Dismiss Defendants Woods, Barbers, Sconyers, and Boyd (*Doc. No. 8*), be GRANTED;
 2. Defendants Woods, Barbers, Sconyers, and Boyd be DISMISSED with prejudice as parties to this complaint; and
 3. This case with respect to the remaining defendants be referred back to the undersigned for additional proceedings.

It is further

ORDERED that the parties are DIRECTED to file any objections to the

Recommendation on or before **December 29, 2010**. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which a party objects. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (*en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done, this 15th day of December, 2010.

/s/ Susan Russ Walker

SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE