

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

ELBERT SIMS, # 217355

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Plaintiff,

)

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v.

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CIVIL ACTION NO. 2:10cv943-ID

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ALA. DEPT. OF CORRECTIONS
CLASSIFICATION DIVISION,

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Defendant.

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ORDER AND OPINION

On January 25, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 15). 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 that the Recommendation of the Magistrate Judge be and is hereby ADOPTED, plaintiff's motion to dismiss (Doc. # 13) is GRANTED, and this action is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a)(2).

Done this the 23rd day of February, 2011.

/s/ Ira DeMent

SENIOR UNITED STATES DISTRICT JUDGE