

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

|                                 |   |                              |
|---------------------------------|---|------------------------------|
| TERRY LEE CHAMBERS, # 270079,   | ) |                              |
|                                 | ) |                              |
| Plaintiff,                      | ) |                              |
|                                 | ) |                              |
| v.                              | ) | CIVIL ACTION NO. 2:11cv25-ID |
|                                 | ) | (WO)                         |
| STATE OF ALABAMA, DEPARTMENT    | ) |                              |
| OF CORRECTIONS, <i>et al.</i> , | ) |                              |
|                                 | ) |                              |
| Defendants.                     | ) |                              |

**OPINION and ORDER**

On February 28, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. No. 7). 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 Alabama Department of Corrections be and are hereby DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i);
3. The Alabama Department of Corrections 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 the remaining defendants, be and is hereby REFERRED BACK to the undersigned for appropriate proceedings.

Done this 21<sup>st</sup> day of March, 2011.

/s/ Ira DeMent  
SENIOR UNITED STATES DISTRICT JUDGE