

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

TRACY MCKENZIE, #174899,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:11cv259-TMH
	)	
WARDEN BOYD, et al.,	)	
	)	
Defendants.	)	

**ORDER AND OPINION**

On May 3, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 8). 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 and that:

1. Plaintiff's claims against the Alabama Department of Corrections is DISMISSED with prejudice prior to service of process under 28 U.S.C. § 1915(e)(2)(B)(I);
2. The Alabama Department of Corrections is DISMISSED as a party to this cause of action; and
3. 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 1st day of June, 2011.

/s/ Truman M. Hobbs

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TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE