

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

NUE CHEER FRANKLIN,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:11-cv-320-TMH
	)	WO
JIMMY POOLE, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #10) to the Recommendation of the Magistrate Judge filed on September 21, 2011 is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #9) filed on September 13, 2011 is adopted;
3. Plaintiff's motion to proceed *in forma pauperis* is GRANTED.
4. Plaintiff's claims are DISMISSED prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B) and lack of jurisdiction.
4. Any outstanding motions are DENIED as moot.

DONE this the 31<sup>st</sup> day of January, 2012.

/s/ Mark E. Fuller  


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 UNITED STATES DISTRICT JUDGE