

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

JEFFREY ALLEN McCLELLAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	2:11-CV-466-ID
	)	(WO)
STATE OF ALABAMA	)	
	)	
Defendant.	)	

**ORDER**

Before the court are the Recommendation of the Magistrate Judge, (Doc. #4), and Plaintiff’s Objection, (Doc. #5). Having conducted a *de novo* determination of those portions of the Recommendation to which objections are made, it is CONSIDERED and ORDERED as follows:

1. Plaintiff’s Objection (Doc. #5) be and the same is hereby OVERRULED;
2. The Recommendation of the Magistrate Judge (Doc. #4) be and the same is hereby ADOPTED, APPROVED and AFFIRMED;
3. This case be and the same is hereby DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

DONE this the 5<sup>th</sup> day of August, 2011

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE

