

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

CALVIN MAYS, JR., AIS #150299,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 2:11cv694-WHA
)	
MARIANNE BAKER, et al.,)	
)	
Defendants.)	

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #9), entered on September 2, 2011.

On September 9, 2011, the Plaintiff filed a document (Doc. #11) in which he objected to the Recommendation. The basis for the objection, however, was actually resolved by the Recommendation itself, as noted by the order of the Magistrate Judge (Doc. #12), entered on September 12, 2011. Therefore, the objection is overruled as moot, the Recommendation of the Magistrate Judge is adopted, and it is hereby ORDERED as follows:

1. Plaintiff's claims against the State of Alabama are DISMISSED with prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i and iii), and the State of Alabama is DISMISSED as a Defendant in this case.

2. With respect to the allegations set forth against Marianne Baker, D.Diaz and Correctional Medical Services, Inc., this case is referred back to the Magistrate Judge for further proceedings.

DONE this 12th day of September, 2011.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE