

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

MARSHALL MONTGOMERY, #184044,)

Plaintiff,)

v.)

ALA. DEPT. OF CORRECTIONS, et al.,)

Defendants.)

CIVIL ACTION NO. 2:11cv757-TMH

ORDER AND OPINION

On October 26, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 10). 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 this case is DISMISSED without prejudice prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii).

Done this the 17th day of November, 2011.

/s/ Truman M. Hobbs

SENIOR UNITED STATES DISTRICT JUDGE