

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

| | | |
|-------------------------------|---|--------------------------------|
| KENNETH ALLEN RAY, #26517, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CIVIL ACTION NO. 2:11cv786-WHA |
| |) | |
| DRAPER CORRECTIONAL FACILITY, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

No objection having been filed to the Recommendation of the Magistrate Judge (Doc. #5), entered on September 30, 2011, the Recommendation is adopted, and it is hereby ORDERED as follows:

1. Plaintiff's claims against Draper Correctional Facility are DISMISSED prior to service of process pursuant to the provision of 28 U.S.C. § 1915(e)(2)(B)(i).
2. Draper Correctional Facility is DISMISSED as a Defendant in this action.
3. This case, with respect to the Plaintiff's claims against Phyllis Billups and Willie Thomas, is referred back to the Magistrate Judge for further proceedings.

DONE this 26th day of October, 2011.

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