

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

PRESTON KENNER, #136213,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 2:12cv237-WHA
)	
LEON FORNISS, et al.,)	(WO)
)	
Defendants.)	

ORDER

No timely objection having been filed to the Recommendation of the Magistrate Judge (Doc. #5), entered on March 20, 2012, the Recommendation is ADOPTED, and it is hereby ORDERED as follows:

1. The Plaintiff's claims against the Alabama Department of Corrections and Luther Strange are DISMISSED with prejudice prior to service of process pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

2. The Alabama Department of Corrections and Luther Strange are DISMISSED as Defendants in this case.

3. This case, with respect to the allegations set forth against Defendants Leon Forniss and Kim Thomas, are referred back to the Magistrate Judge for appropriate proceedings.

DONE this 10th day of April, 2012.

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