

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

JAMES HENRY CAPERS, II, #215 931,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 2:12cv708-WHA
)	
WARDEN G. HETZEL, et al.,)	(WO)
)	
Defendants.)	

ORDER

This case is before the court on the Plaintiff's Objections and Alternative Motions, Dismissal (Doc. #5). By this motion, the Plaintiff objects to the Recommendation of the Magistrate Judge (Doc. #4). The Magistrate Judge recommended that this case be dismissed with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i).

By his objection, the Plaintiff requests that the action either be dismissed without prejudice or that he be allowed to amend the Complaint. The Magistrate Judge denied the Motion to Amend on October 1, 2012 (Doc. #6), and no timely objection was filed to that order.

After an independent and *de novo* review of the file in this case, the court agrees with the finding of the Magistrate Judge that the matters complained of do not rise to the level of constitutional violations, and that the claims are frivolous. Therefore, it is hereby

ORDERED that the objection is OVERRULED, the Recommendation of the Magistrate Judge is ADOPTED, and this case is DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i).

DONE this 19th day of December, 2012.

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