

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

JOSHUA RICHBURG, #214 354	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:12-cv-803-TMH
	)	[wo]
ALABAMA DEPT. OF	)	
CORRECTIONS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION and ORDER**

On November 21, 2012, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. No. 12). 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, the Plaintiff’s claims against the Elmore Correctional Facility and the Alabama Department of Corrections be DISMISSED with prejudice prior to service of process under 28 U.S.C. § 1915 (e)(2)(B)(I) and be DISMISSED as parties to this cause of action; and that this case is referred back to the Magistrate Judge for additional proceedings.

Done this the 30th day of January, 2013.

          /s/ Truman M. Hobbs            
TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE