

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

FRED LEE JOHNSON, #172364,

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Plaintiff,

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v.

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CASE NO. 2:12-cv-873-TMH

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[wo]

JOHN WILLIAMS,

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Defendant.

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OPINION and ORDER

On October 15, 2012, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. 5). 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 challenge to a lack of transfer to the custody of the Alabama Department of Corrections and his request for immediate release from Lowndes County Jail be DISMISSED with prejudice prior to service of process pursuant the provisions of 28 U.S.C. § 1915(e)(2)(B)(I). The Plaintiff’s claims against John Williams challenging the conditions of confinement in existence at the Lowndes County Jail be referred back to the Magistrate Judge for additional proceedings.

Done this the 28th day of November 2012.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE