

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

DYRON SMITH, #186977	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:13-cv-373-TMH
	)	[wo]
GWENDOLYN BABERS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION and ORDER**

On June 4, 2013, 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; that the Plaintiff’s claims against the State of Alabama and the Alabama Department of Corrections are DISMISSED with prejudice prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(I); that the State of Alabama and the Alabama Department of Corrections are DISMISSED as parties to this cause of action; and the Plaintiff’s claims against the remaining defendants, Babers and Sconyers, is referred back to the Magistrate Judge for additional proceedings.

Done this 20th day of August, 2013.

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