

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

FLOYD F. SMITH, JR., #192155,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:13cv374-TMH
)	
KENNETH SCONYERS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER AND OPINION

On July 17, 2013, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 27). 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 and that:

1. The plaintiff's claims against the State of Alabama Department of Corrections are dismissed with prejudice in accordance with the provisions of 28 U.S.C. §1915(e)(2)(B)(I);
2. The State of Alabama Department of Corrections is dismissed as a defendant in this cause of action; and
3. This case, with respect to the allegations set forth against the remaining defendants, is referred back to the Magistrate Judge for appropriate proceedings.

DONE this 30th day of September, 2013.

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