

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

BOOKER T. MADDOX,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:13cv382-MEF
)	
WILLIAM COPE, et al.,)	
)	
Defendants.)	

ORDER

On July 11, 2013, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 4). 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 pursuant to 28 U.S.C. § 1915(e)(2)(B), that: (1) plaintiff's claims against the Pike County Sheriff's Department are dismissed with prejudice, as this defendant is not a legal entity subject to suit; (2) plaintiff's claims against the Alabama Alcohol and Beverage Control Board are dismissed as barred by the Eleventh Amendment; (3) plaintiff's official-capacity claims for retrospective relief, including damages, against the Pike County sheriff's deputies and the ABC Board officials and agents are dismissed as barred by the Eleventh Amendment; (4) plaintiff's claims against the remaining defendants are dismissed without prejudice for failure to state a claim, and (5) this matter is referred back to the Magistrate Judge for further proceedings, including entry of an order permitting amendment as to the latter category of claims.

DONE this the 14th day of August, 2013.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE