

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

ANTHONY WAYNE McCAA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ALABAMA BOARD OF )  
 PARDONS AND PAROLES, )  
 et al., )  
 )  
 Defendants. )

CIVIL ACTION NO.  
2:14cv75-TMH  
(WO)

OPINION AND ORDER

In this lawsuit brought pursuant to 42 U.S.C. § 1983, plaintiff Anthony Wayne McCaa, a state inmate, claims that he was denied fair consideration for parole in violation of his constitutional rights. This case is before the court on the magistrate judge's recommendation that McCaa's claims against defendant Alabama Board of Pardons and Paroles be dismissed with prejudice before service of process and that McCaa's request for damages against defendants William W. Wynne, Jr., Robert P. Longshore, and

Clifford W. Walker be dismissed with prejudice. McCaa has filed objections to the recommendation.

Subsequent to the entry of the recommendation, McCaa, with leave of the court, amended his complaint to limit his requested relief to only declaratory and injunctive. Because McCaa has so limited his relief, the magistrate judge's recommendation to the extent it recommends dismissal of McCaa's request for damages is moot.

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Accordingly, after an independent and de novo review of the record, it is ORDERED as follows:

(1) Plaintiff Anthony Wayne McCaa's objections (doc. no. 16) are overruled.

(2) The magistrate judge's recommendation (doc. no. 8) is adopted to the extent that it recommends dismissal of defendant Alabama Board of Pardons and Paroles is adopted. Said defendant is dismissed and terminated.

(3) The recommendation (doc. no. 8) is rejected to the extent it recommends the dismissal of the damages request

against defendants William W. Wynne, Jr., Robert P. Longshore, and Clifford W. Walker. The damages request has already been dismissed.

(4) This case is referred back to the magistrate judge for further appropriate relief.

DONE, this 23rd day of May, 2014.

          /s/ Myron H. Thompson            
UNITED STATES DISTRICT JUDGE