

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

SADAKA T. DAVIS,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:14-CV-986-WKW
)	(WO)
CITY OF CLANTON POLICE)	
DEPARTMENT, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On October 22, 2014, the Magistrate Judge filed a Recommendation (Doc. #9) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is the

ORDER, JUDGMENT and DECREE of the court that:

1. The Recommendation of the Magistrate Judge is ADOPTED.
2. The plaintiff’s claims against the City of Clanton Police Department are DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii).
3. The plaintiff’s claim regarding the defendants’ refusal to charge, arrest, or prosecute an individual is DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii).
4. The plaintiff’s deprivation of property claim against Officer Smitherman is DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii).
5. The City of Clanton Police Department and Katrina Caver are DISMISSED as defendants prior to service of process.

6. The plaintiff's unlawful arrest claim against Officer Smitherman shall proceed at this stage of the proceedings.

7. The case is REFERRED back to the Magistrate Judge for further proceedings.

DONE this 26th day of November, 2014.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE