

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

CARLOS CAREY,)
)
 Plaintiff,)) CIVIL ACTION NO.
) v.) 2:15cv193-MHT
)) (WO)
 CAPTAIN LOGAN and)
 COMMISSIONER OF ADOC,)
)
 Defendants.)

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff Carlos Carey, a state prisoner, brings suit against two defendant: Correctional Officer Captain Logan and former Acting Commissioner of the Alabama Department of Corrections Billy Sharp.* Carey complains that he was assaulted by a group of other prisoners due to the deliberate indifference of the defendants and that he was denied medical care after the assault. This cause is now before the court on the recommendation of the

* Carey does not know the name of the commissioner whom he contacted and simply referred to him by his title in the complaint. The magistrate judge assumed that the commissioner implicated in Carey's complaint was former Acting Commissioner Sharp.

magistrate judge that the claims against Sharp be dismissed prior to service of process under 28 U.S.C. § 1915(e)(2)(B)(i) & (ii) for failure to state a claim. There are no objections to the recommendation. After an independent and de novo review of the record, the court is of the opinion that the recommendation should be adopted and Sharp dismissed, albeit without prejudice.

An appropriate judgment will be entered.

DONE, this the 27th day of July, 2015.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE