

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

JAMES R. DOWNES,)	
# 281824,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:15-CV-437-WKW
)	
DEPARTMENT OF)	
CORRECTIONS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On July 6, 2015, the Magistrate Judge filed a Recommendation, in which he concluded that “the claims lodged against the Department of Corrections and the State of Alabama are subject to dismissal prior to service of process in accordance with the provisions of . . . 28 U.S.C. § 1915(e)(2)(B)(i).” (Doc. # 16, at 1.) Plaintiff Downes did not file an Objection to the Recommendation and, instead, moved to amend his complaint to bring claims against Jefferson Dunn. (Doc. # 17.) The Magistrate Judge granted Mr. Downes’s Motion to Amend on July 10, 2015. (Doc. # 18.)

Upon an independent review of the Recommendation and the subsequent motion of Mr. Downes, it is ORDERED as follows:

1. The Recommendation (Doc. # 16) is ADOPTED.
2. Mr. Downes's claims against the State of Alabama and the Department of Corrections are DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).
3. The State of Alabama and the Department of Corrections are DISMISSED as Defendants.
4. The case is referred back to the Magistrate Judge for disposition or recommendation on all pretrial matters as may be appropriate pursuant to 28 U.S.C. § 636.

DONE this 27th day of July, 2015.

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