

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

BYRON RAY PHILLIPS, #231723,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. 2:16cv-109-WHA
	)	
STATE OF ALABAMA, et al.,	)	(WO)
	)	
Defendants.	)	

**ORDER**

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #5), entered on February 23, 2016. There being no timely objection filed to the Recommendation, and after a review of the file, the Recommendation is ADOPTED, and it is hereby ORDERED as follows:

1. Plaintiff’s claims against the State of Alabama and the Department of Corrections are DISMISSED pursuant to the directives of 28 U.S.C. §1915(e)(2)(B)(i).
2. The State of Alabama and the Department of Corrections are DISMISSED as Defendants in this cause of action.
3. This case, with respect to the allegations set forth against Defendants Jones and Thomas, is referred back to the Magistrate Judge for further proceedings.

DONE this 16th day of March, 2016.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE