

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

ROCKY JOE MERTENS, #191 522,            )  
  )  
          Plaintiff,    )  
  )  
          v.    ) CIVIL ACTION NO. 2:17-CV-834-WHA  
  ) [WO]  
KILBY CORRECTIONAL FACILITY,        )  
*et al.*,    )  
          Defendants.                                        )

**OPINION and ORDER**

Before the court is the Recommendation of the Magistrate Judge entered April 4, 2018. Doc. 25. There being no timely objection filed to the Recommendation, and based on an independent review of the record, it is ORDERED as follows:

1. The Recommendation of the Magistrate Judge (Doc. 25) is ADOPTED;
2. This action is DISMISSED without prejudice.

A Final Judgment will be entered separately.

Done, this 26th day of April, 2018.

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