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

WALTER JAMAR AVERY, #184038,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 3:08-cv-805-TMH
	)	WO
MAJOR TORBERT, *et al.,*	)	
	)	
Defendants.	)	

O R D E R

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #4) to the Recommendation of the Magistrate Judge filed on October 21, 2008 is overruled;

2. The Recommendation of the Magistrate Judge (Doc. #3) filed on October 3, 2008 is adopted;

3. This case is DISMISSED without prejudice for plaintiff's failure to pay the full filing fee upon the initiation of this case.

DONE this 29th day of October, 2008.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE

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