

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

SHAWN TYSON,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 3:09-cv-562-MEF
	)	
THE ALABAMA DEPARTMENT OF	)	
CONSERVATION AND NATURAL	)	
RESOURCES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On November 23, 2009, the Magistrate Judge filed a Recommendation (Doc. #5) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is the

ORDER, JUDGMENT and DECREE of the court that:

1. The Recommendation of the Magistrate Judge is ADOPTED.
2. This case is DISMISSED without prejudice due to plaintiff's failure to effect service within 120 days as required by Fed.R.Civ.P. 4(m).

DONE this the 16th day of December, 2009.

\_\_\_\_\_  
/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE