

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

SEAN M. CARTER,)
)
Plaintiff,)
)
v.)
)
SHERIFF JAY JONES, *et al.*,)
)
Defendants.)

CASE NO.: 3:09-cv-571-TMH

ORDER

The Magistrate Judge entered a Recommendation (Doc. #5) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

ORDERED that the RECOMMENDATION (Doc. #5) of the Magistrate Judge is ADOPTED. It is further

ORDERED that:

1. Plaintiff’s complaint against Defendant Fuller is DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i);
2. Defendant Fuller is DISMISSED as a party to the complaint; and
3. this case, with respect to the remaining defendants, is REFERRED back to the Magistrate Judge for further proceedings.

Done this 21st day of September, 2009.

/s/ Truman M. Hobbs

UNITED STATES DISTRICT JUDGE