

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

SEAN M. CARTER,)
)
 Plaintiff,)
)
 v.)
)
 DEPARTMENT OF CORRECTIONS,)
 et al.,)
)
 Defendants.)

CASE NO. 3:09-cv-606-ID
[WO]

ORDER

On July 20, 2009, the Magistrate Judge entered a Recommendation 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 ORDERED that the RECOMMENDATION is hereby ADOPTED. It is further ORDERED as follows:

1. Plaintiff's complaint against the Department of Corrections is DISMISSED, with prejudice prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(iii);
2. The Alabama Department of Corrections is DISMISSED as a defendant in this cause of action; and

3. This case, with respect to the allegations set forth against the remaining defendants, be referred back to the Magistrate Judge for appropriate proceedings.

Done this 20th day of August, 2009.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE