

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

LEONARDO JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 3:11cv232-WHA
)	(WO)
OPELIKA POLICE DEPT., <i>et al.</i> ,)	
)	
Defendants.)	

OPINION and ORDER

On May 23, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 17). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED as follows that:

1. The Recommendation of the Magistrate Judge be and is hereby ADOPTED;
2. The plaintiff's claims against the Opelika Police Department be and are hereby DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i);
3. The Opelika Police Department be and is hereby DISMISSED as a defendant in this cause of action; and
4. This case, with respect to the plaintiff's claims against the remaining defendant, is hereby REFERRED BACK to the Magistrate Judge for appropriate

proceedings.

Done this 14th day of June 2011.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON

SENIOR UNITED STATES DISTRICT JUDGE