

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

TRAVIS McCULLOUGH,)	
)	
Plaintiff,)	
v.)	CASE NO. 3:11-cv-849-TMH
)	
OPELIKA POLICE DEPARTMENT, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On October 20, 2011, the Magistrate Judge filed a Recommendation (Doc. #5), as modified by Order dated November 4, 2011 (Doc. #8), 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, as modified, is ADOPTED.
2. Plaintiff's complaint against the Opelika Police Department and the City of Opelika is DISMISSED with prejudice prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i).
3. The Opelika Police Department and the City of Opelika are DISMISSED as parties to this cause of action.
4. This case, with respect to all other claims, is referred back to the Magistrate Judge for appropriate proceedings.

DONE this the 18th day of November, 2011.

/s/ Truman M. Hobbs
SENIOR UNITED STATES DISTRICT JUDGE