

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

MICHAEL DEWAYNE ROBERTS,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 3:11cv943-WHA
)	
OPELIKA CHIEF OF POLICE, et al.,)	(WO)
)	
Defendants.)	

ORDER

Upon an independent evaluation of the Recommendation of the Magistrate Judge (Doc. #7) and Plaintiff’s objection thereto (Doc. #10), the court finds the objection to be without merit, and it is hereby OVERRULED. The court ADOPTS the Recommendation of the Magistrate Judge, and it is hereby ORDERED as follows:

1. Plaintiff’s Complaint against Defendants Lee County Sheriff’s Department, the Opelika Police Department, Lee County, Alabama, the City of Opelika, J.Jones, the Opelika Chief of Police, and Officers Veasley and B. Jones is DISMISSED with prejudice prior to service of process pursuant to 28 U.S.C. § 1915A(b)(i);

2. Plaintiff’s conspiracy claim against the named Defendants is DISMISSED with prejudice prior to service of process pursuant to 28 U.S.C. § 1915A(b)(i);

3. Plaintiff’s mail claim is DISMISSED without prejudice subject to Plaintiff’s right to file a separate civil action with respect to said claim;

4. Defendants Lee County Sheriff’s Department, the Opelika Police Department, Lee County, Alabama, the City of Opelika, J. Jones, the Opelika Chief of Police, and Officers

Veasley and B. Jones are DISMISSED as parties to the Complaint; and

5. This case, with respect to the remaining Defendants, is referred back to the Magistrate Judge for further proceedings.

DONE this 8th day of March, 2012.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE