

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

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|--------------------------------|---|--------------------------------|
| CARL P. DENNIS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 3:13cv537-MEF |
| |) | |
| PHENIX CITY POLICE DEPARTMENT, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

ORDER AND OPINION

On August 15, 2013, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 4). 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 that the Recommendation of the Magistrate Judge is ADOPTED and that, pursuant to 28 U.S.C. § 1915(e)(2)(B): (1) plaintiff’s claims against the State of Alabama and Boswell in his official capacity are DISMISSED without prejudice as barred by the Eleventh Amendment; and (2) plaintiff’s remaining claims are DISMISSED with prejudice as barred by the statute of limitations.

DONE this the 9th day of September, 2013.

/s/ Mark E. Fuller
UNITED STATES DISTRICT JUDGE