

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

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 9<sup>th</sup> day of September, 2013.

\_\_\_\_\_  
/s/ Mark E. Fuller  
UNITED STATES DISTRICT JUDGE