

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

JOHN TOM McCOLLOUGH, JR., )  
                                  )  
Plaintiff,                   )  
                                  )  
v.                            )                           CASE NO. 3:17-CV-411-WKW  
                                  )                           [WO]  
KYLE McCOY, *et al.*,      )  
                                  )  
Defendants.                 )

**ORDER**

On August 10, 2017, the Magistrate Judge filed a Recommendation (Doc. # 6) to which no timely objections have been filed. Upon an independent review of the record and upon consideration of the Recommendation, it is ORDERED that:

1. The Magistrate Judge's Recommendation (Doc. # 6) is ADOPTED;
2. Plaintiff's Motion for Leave to Proceed *in forma pauperis* (Doc. # 2) is GRANTED;
3. This case is DISMISSED without prejudice prior to service of process pursuant to 28 U.S.C. 1915(e)(2)(B)(ii) for Plaintiff's failure to state a claim upon which relief can be granted.

A final judgment will be entered separately.

DONE this 19th day of October, 2017.

\_\_\_\_\_  
/s/ W. Keith Watkins  
\_\_\_\_\_  
CHIEF UNITED STATES DISTRICT JUDGE