

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JESSE COOLEY, JR., :

Plaintiff, :

vs. : **CIVIL ACTION NO. 05-00089-WS-C**

ALABAMA DEPT. OF MENTAL
HEALTH and MENTAL RETARDATION, :

Defendant. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 (b)(1)(A) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action be and is hereby **DISMISSED** with prejudice, prior to service of process, as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

DONE and ORDERED this 19th day of October, 2005.

s/WILLIAM H. STEELE
UNITED STATES DISTRICT JUDGE