

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

**ORLANDO BETHEL, et al.,** :

**Plaintiffs,** :

**vs.** : **CA 06-0223-KD-C**

**THE BALDWIN COUNTY BOARD** :  
**OF EDUCATION, et al.,**

**Defendants.** :

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(3) and dated October 10, 2008, is **ADOPTED** as the opinion of this court.<sup>1</sup> Accordingly, it is hereby **ORDERED, ADJUDGED** and **DECREED** that the plaintiff's motion is due to be, and hereby is, **DENIED**.

**DONE** this 16<sup>th</sup> day of October 2008.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> Delegations to a magistrate judge pursuant to U.S.C. § 636(b)(3) do not carry with them the requirements of § 636(b)(1) or § 636(b)(1)(C), and so there is no ten day waiting period for the appeal process. *Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9<sup>th</sup> Cir. 1998) (per curiam). *See also United States v. Brumer*, 528 F.3d 157, 160 (2<sup>nd</sup> Cir. 2008).