

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

KENNETH TONEY, :

Plaintiff, :

v. : **CIVIL ACTION 07-0024-CG-C**

ANTHONY BARBER, :

Defendant. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated March 28, 2008 is **ADOPTED** as the opinion of this Court.

DONE and ORDERED this 2nd day of September, 2008.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE