

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

ROGER HOWARD LINDSAY, :

Plaintiff, :

vs. : **CIVIL ACTION 07-0426-KD-C**

JUDGE JOSEPH B. BROGDEN, et al., :

Defendants. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 (b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action be and is hereby **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) because plaintiff's claims are either frivolous or fail to state a claim upon which relief can be granted.

DONE this 10th day of October, 2008.

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