

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

JERMAINE HICKS,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	CIVIL ACTION NO. 07-00567-KD-B
	:	
STATE OF ALABAMA, 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 dated April 5, 2010 and made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action is **DISMISSED** without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for failure to timely serve Defendants.

DONE and ORDERED this the **21st** day of **April 2010**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE