

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

<b>DARRYL RIGGINS, # 184051,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>vs.</b>	:	<b>CIVIL ACTION 08-00157-KD-B</b>
	:	
<b>ROBERT BARNES, M.D., et al.,</b>	:	
	:	
<b>Defendant.</b>	:	

**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 Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated January 5, 2010, is **ADOPTED** as the opinion of this Court *with the following amendment*.

The Court will hold in abeyance the dismissal of this action as follows: if the Plaintiff pays the full filing fee of **\$350.00** by **February 26, 2010** this action will not be dismissed pursuant to 28 U.S.C. § 1915(g). Otherwise, this case will be **DISMISSED** on **March 1, 2010** without further order of the Court.

**DONE and ORDERED** this the 4<sup>th</sup> day of **February 2010**.

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