

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

<b>ROY LEE MILLER,</b>	)	
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	<b>CIVIL ACTION 08-0368-KD-B</b>
<b>RICHARD ALLEN, et al,</b>	)	
<b>Defendants.</b>	)	

**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 Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) and entered April 19, 2010, is ADOPTED as the opinion of this Court.

Accordingly, it is ORDERED that this action be and is hereby DISMISSED without prejudice for failure to prosecute and to obey the Court's order.

DONE this May 13, 2010.

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