

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

<b>STEVE CLIFF #142970,</b>	:	
<b>Plaintiff,</b>	:	
<b>vs.</b>	:	<b>CIVIL ACTION 08-0446-CG-M</b>
<b>CHRISTOPHER EARL,</b>	:	
<b>Defendant.</b>	:	

**ORDER**

On June 10, 2009, the Magistrate Judge issued a Report and Recommendation that the complaint be dismissed without prejudice pursuant to 28 U.S.C. 1915(g). (Doc. 9) Objections to the Report and Recommendation were due by June 30, 2009. On June 19, 2009, plaintiff filed a “notice of appeal”. (Doc. 10). Because no final order had issued in the case and an appeal was premature, the court construed the pleading to be an objection to the Magistrate Judge’s Report and Recommendation.

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Recommendation to which objection is made, the 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 Plaintiff’s Complaint be and is hereby **DISMISSED** without prejudice.

**DONE and ORDERED** this 31<sup>st</sup> day of July, 2009.

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