

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

<b>CHARLES CALVIN MOORE #209229,</b>	:	
<b>Plaintiff,</b>	:	
<b>vs.</b>	:	<b>CIVIL ACTION 08-0533-KD-M</b>
<b>WARDEN JERRY FERRELL,</b>	:	
<b>Defendant.</b>	:	

**ORDER**

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, Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated August 11, 2009, is **ADOPTED** as the opinion of this Court. In so doing, the Court finds that Plaintiff's appeal is frivolous and not taken in good faith. Accordingly, it is **ORDERED** that Plaintiff's Complaint be and is hereby **DISMISSED** with prejudice.

**DONE and ORDERED** this the **21<sup>st</sup>** day of **August 2009**.

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