

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

**GARY EARL PADGETT,
Plaintiff,**

vs.

**WASHINGTON COUNTY COURT,
1ST JUDICIAL DISTRICT, *et al.*,
Defendants.**

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CIVIL ACTION 08-0625-KD-N

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 Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(A) and dated October 27, 2009, is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that this action be and is hereby **DISMISSED** with prejudice, prior to service of process, as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

DONE and ORDERED this the **2nd** day of **December 2009**.

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