

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

<b>JESSIE MABIEN, III, # 213897,</b>	:	
<b>Plaintiff,</b>	:	
<b>vs.</b>	:	<b>CIVIL ACTION 08-00728-CG-B</b>
<b>BOB RILEY, et al.,</b>	:	
<b>Defendants.</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 Report and 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 the federal claims be and are hereby **DISMISSED** with prejudice, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted. It is further **ORDERED** that the state-law claims be and are hereby **DISMISSED** without prejudice.

**DONE and ORDERED** this 1<sup>st</sup> day of December, 2009.

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