

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

**CARL TOOLE, AIS #153455,** :

**Plaintiff,** :

**vs.** : **CIVIL ACTION 08-0736-CG-B**

**JERRY FERRELL, et al.,** :

**Defendants.** :

**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 this action be and is hereby **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(g).

**DONE and ORDERED** this 4<sup>th</sup> day of August, 2009.

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