

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

GREGORY LEE, AIS # 184070,                     :  
                  Plaintiff,   :  
vs.   : CIVIL ACTION 09-00366-CB-M  
Shirely Smith, *et al.*,   :  
                  Defendants.   :

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, 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 this 17th day of August, 2009.

*s/Charles R. Butler, Jr.*  
Senior United States District Judge