

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

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|--|---|----------------------------------|
| <b>PAUL JASON ALBERT,</b>                | : |                                  |
| <b>Plaintiff,</b>                        | : |                                  |
| <b>vs.</b>                               | : | <b>CIVIL ACTION 09-0465-CG-C</b> |
| <b>WILLIAM S. TAYLOR, <u>et al.</u>,</b> | : |                                  |
| <b>Defendants.</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 Report and Recommendation to which objection is made<sup>1</sup>, 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, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii) because the claims are either frivolous or fail to state a claim upon which relief may be granted.

**DONE and ORDERED** this 7th day of December, 2010.

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

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<sup>1</sup> Plaintiff filed a document which he labeled as an objection to the Report and Recommendation (Doc. 13), but that document did no more than state a general objection to the R&R, and further informed the court that he would henceforth be represented by counsel and was no longer indigent. No counsel has made an appearance in the case on his behalf and plaintiff has not paid the filing fee. Withdrawals continue to be made from his prison account to pay that fee.