

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

**BOBBY SMITH, JR., #207658,** :

**Plaintiff,** :

**vs.** : **CIVIL ACTION 09-0588-CG-C**

**WARDEN 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** with prejudice as duplicative.

**DONE and ORDERED** this 16<sup>th</sup> day of August, 2010.

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