

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

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|------------------------------|---|---------------------------|
| LARRY C. DIXON, #138238, | : | |
| Plaintiff, | : | |
| vs. | : | CIVIL ACTION 09-0811-WS-N |
| CMS MEDICAL, <u>et al.</u> , | : | |
| 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 Report and Recommendation to which objection is made, 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) and that the motion to proceed without prepayment of fees be and is hereby **DENIED**.

DONE this 23rd day of February, 2010.

s/WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE