

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

SHERRY T. RODGERS, #263022, :
Plaintiff, :
vs. : CIVIL ACTION 10-0279-CG-N
SHERIFF JAMES LOVETTE, :
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 the claims against defendant State of Alabama be and are hereby **DISMISSED** with prejudice as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), that the claims against defendant Lovette be and are hereby **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted, and that supplemental jurisdiction be and is hereby **DECLINED**. Accordingly, it is **ORDERED** that this action be and is hereby **DISMISSED** in its entirety.

The Clerk is **DIRECTED** to send to the Commissioner of the Alabama Department of Corrections a copy of the report and recommendation recommending the dismissal of this action, this order adopting the report and recommendation, and the judgment dismissing this action.

DONE this 19th day of July, 2011.

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