

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

JAMES TYRONE JACKSON, #100780, :
Plaintiff, :
vs. : CIVIL ACTION 10-0304-WS-M
DR. DELANO BENJAMIN, 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 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 Defendants Daily and Garrett be dismissed without prejudice, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted against them. It is further ORDERED that this action proceed in regard to the claims against the other Defendants.

DONE this 22nd day of November, 2010.

s/WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE