

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

KINWEN LaMARROW STALLWORTH,
#203660, :

Plaintiff, :

vs. : CIVIL ACTION 10-00389-WS-B

THOMAS TATE, *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** 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 may be granted and for failure to obey the Court's Orders.

DONE this 10th day of January, 2011.

s/WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE