

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

RASHAD LEE, #213823, :  
 :  
 Plaintiff, :  
 :  
 vs. : CIVIL ACTION 10-0396-KD-M  
 :  
 DEBORAH TONEY, et al., :  
 :  
 Defendants. :

JUDGMENT

It is ORDERED, ADJUDGED, and DECREED that this action be and is hereby DISMISSED with prejudice, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(A) and Rules 11(b) and 41(b) of the Federal Rules of Civil Procedure, that the Court retain the partial filing fee of \$28.00, and the dismissal of this action count as a strike for the purpose of 28 U.S.C. § 1915(g) because it is malicious.

DONE this 12th day of September, 2011.

s/Kristi K. DuBose  
KRISTI K. DuBOSE  
UNITED STATES DISTRICT COURT