

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

**CECIL WALLACE,  
Plaintiff,**

**vs.**

**ROBERT BYRD,  
Defendant.**

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**CIVIL ACTION 10-0435-KD-M**

**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 Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated August 19, 2011, is hereby **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Defendant’s motion for summary judgment (Docs. 17, 18) is **GRANTED** and that Plaintiff’s Complaint is **DISMISSED with prejudice**.

**DONE and ORDERED** this the **12<sup>th</sup>** day of **September 2011**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**