

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

HERBERT FLEMING,

Plaintiff,

vs.

**ALABAMA DEPARTMENT OF
CORRECTIONS, et al.,**

Defendants.

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CIVIL ACTION 10-0533-CG-M

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues 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 for failure to prosecute and to obey the Court's Order.

DONE and ORDERED this 3rd day of January, 2011.

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