

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

JAMES E. DEWHART,  
AIS# 134373,

Plaintiff,

vs.

BP MAJORITY,

Defendant.

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CIVIL ACTION NO. 11-00200-CG-B

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 Plaintiff's Motion to Appoint Counsel (Doc. 10) is **DENIED** and that this action be and is hereby **DISMISSED with prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as frivolous.

**DONE** and **ORDERED** this 3rd day of November, 2011.

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