

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

DAVID L. JOHNSON, AIS 134016, :

Plaintiff, :

vs. : **CA 11-0228-CG-C**

PENTON ASHWORTH, et al., :

Defendants. :

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 recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated October 1, 2012 (Doc. 154) is **ADOPTED** as the opinion of this Court. The motion to dismiss filed by defendant James English on September 28, 2012 (Doc. 152) is hereby **STRICKEN FROM THE RECORD.**¹

DONE and ORDERED this 23rd day of October, 2012.

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

¹ The court notes that an amended complaint was filed by the Plaintiff on October 1, 2012 (Doc. 155), and that Defendant James English filed a motion to dismiss the amended complaint on October 10, 2012 (Doc. 159) and further filed his answer to the amended complaint along with Defendants Penton Ashworth, Roger Marsh and James Pate on October 19, 2012 (Doc. 164).