

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

<b>RAYMOND FLOYD HESS(AIS#209976),</b>	:	
<b>Plaintiff,</b>	:	
	:	
<b>vs.</b>	:	<b>CIVIL ACTION 12-00335-KD-M</b>
	:	
<b>STATE OF ALABAMA,</b>	:	
<b>Defendant.</b>	:	

**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) and dated July 26, 2012 is **ADOPTED** as the opinion of this Court. It is **ORDERED** that the Plaintiff's Complaint is **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii) as frivolous and for failure to state a claim upon which relief may be granted.

**DONE and ORDERED** this the **1<sup>st</sup>** day of **October 2012**.

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