

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

**TAVARIS BODY, # 11855-003** :  
**Plaintiff,** :  
**vs.** : **CIVIL ACTION 12-0344-CG-N**  
**JOHNNIE THORNTON, et al.,** :  
**Defendants.** :

**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 this action be and is hereby **DISMISSED** without prejudice, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

**DONE** this 7th day of May, 2013.

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