

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

JOHN T. REUTCKE,

Plaintiff,

vs.

SAM COCHRAN, et al.,

Defendants.

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CIVIL ACTION NO. 12-0475-CG-M

ORDER

After due and proper consideration of 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) is ADOPTED as the opinion of this Court.

Accordingly, the plaintiff's claims for declaratory and injunctive relief are dismissed as MOOT, and his claims for compensatory and punitive damages are 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. The plaintiff has not filed an amended complaint in compliance with the instructions contained in the report and recommendation regarding nominal damages. The court deems plaintiff's non-response to be an abandonment of his claim for nominal damages; therefore, the plaintiff's complaint hereby is DISMISSED in its entirety without prejudice.

DONE and ORDERED this 19th day of September, 2013.

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