

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

CHARLES E. TATE, AIS # 104715, :
Plaintiff, :
vs. : **CIVIL ACTION 12-0524-CG-N**
LAVON DAILEY, :
Defendant. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue 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) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action be and is hereby **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(g).

DONE and ORDERED this 11th day of October, 2012.

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