

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

**GERARD DAVID McCREE, JR.,** )  
#203840 )

Plaintiff, )

vs. )

**DONNY MYERS,** )

Defendant. )

**CIVIL ACTION NO. 12-0573-CG-M**

**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 pursuant to 28 U.S.C. § 1915(g).

**DONE and ORDERED** this 19th day of February, 2013.

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