

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

DONALD E. GARDNER, III, )  
#283161, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
COUNTY OF BALDWIN, et al., )  
 )  
Defendant. )

CIVIL ACTION NO. 12-0639-CG-B

**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 Defendant Baldwin County Commission be dismissed with prejudice, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) because the claims against it are frivolous.

**DONE and ORDERED** this 29th day of May, 2014.

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