

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

**GORDON VAUGHN, #0116069,
Plaintiff,**

vs.

**STATE OF ALABAMA, et al.,
Defendants.**

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CIVIL ACTION: 12-00769-KD-N

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and a *de novo* determination of those portions of the Report and Recommendation to which objection is made (Doc. 6), the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated February 4, 2013, is hereby **ADOPTED** as the opinion of this Court. Accordingly, it is **ORDERED** that Plaintiff’s motion to proceed without prepayment of fees (Doc. 2) is **DENIED**, and moreover, this action is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(g).

DONE and ORDERED this the 4th day of **March 2013**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE