

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

DAVID McDONALD, AIS # 252206,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 13-0128-CG-M
	)	
OFFICER NEAL,	)	
	)	
Defendant.	)	

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues 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 action be and is hereby **DISMISSED**, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii), with the damages claims being dismissed without prejudice for failure to state a claim upon which relief can be granted and the injunctive relief claims being dismissed with prejudice as frivolous.

**DONE and ORDERED** this 9th day of December, 2013.

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