

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

MICHAEL DARNELL OLIVER)	
(AIS #207467),)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 13-00263-KD-B
)	
BENNIE ASHBY, et al.,)	
Defendants.)	

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 (Doc. 8) is made, the Report and Recommendation (Doc. 7) of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated December 9, 2013, is **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 that this action is **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1915(g).

Judgment in accordance with this Order shall issue by separate document.

DONE and ORDERED this the 27th day of **December 2013**.

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