

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

RICHARD HOLLINGSWORTH, #276260, *

*

Plaintiff, *

*

vs. *

CIVIL ACTION NO. 13-00480-WS-B

*

KIM T. THOMAS, *et al.*, *

*

Defendants. *

*

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 Plaintiff's claims against Defendants Carroll and Byrd be dismissed without prejudice from this action, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted.

DONE this 22nd day of August, 2014.

**s/WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE**