

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

**GARLAND JERMAINE FRANKS, 0017301, :**

**Plaintiff, :**

**vs. : CIVIL ACTION 13-0561-WS-N**

**OFFICER FRIDLEY, 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 this action be and is hereby **DISMISSED** with prejudice pursuant to 28 U.S.C. §1915(e)(2)(B)(i) and (ii) because plaintiff's claims are either frivolous or fail to state a claim upon which relief can be granted.

The Clerk is **DIRECTED** to send to the Commissioner of the Alabama Department of Corrections a copy of the report and recommendation recommending the dismissal of this action, this order adopting the report and recommendation, and the judgment dismissing this action.

**DONE** this 17th day of July, 2014.

s/WILLIAM H. STEELE  
CHIEF UNITED STATES DISTRICT JUDGE