

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

MARCUS PALMER, AIS #209502,  
Plaintiff,

v.

OFFICER BREWER, *et al.*,  
Defendants.

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CIVIL ACTION 14-00149-KD-B

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 is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated April 7, 2015, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that Defendant Sergeant Ammons is **DISMISSED with prejudice** from this action, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii), because the Plaintiff's claims against him are either frivolous or fail to state a claim upon which relief can be granted.

This does not affect the status of the case against the remaining defendants, Officer Brewer and Officer Lindsey.

**DONE and ORDERED** this the 30<sup>th</sup> day of **April 2015**.

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