

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

**BOBBY LEE BANKS, AIS #119507**  
**Plaintiff,**

v.

**CHARLES A. GRADDICK, et al.,**  
**Defendants.**

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**CIVIL ACTION 14-00319-KD-N**

**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 January 16, 2015, is **ADOPTED** as the opinion of this Court. Accordingly, it is **ORDERED** that this action is **DISMISSED with prejudice**, prior to service of process, 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 may be granted.

**DONE and ORDERED** this the **10<sup>th</sup>** day of **February 2015**.

/s/ Kristi K. DuBose

**KRISTI K. DuBOSE**

**UNITED STATES DISTRICT JUDGE**