

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

GUS JOHNSON, # 108854,	:	
Plaintiff,	:	
vs.	:	CIVIL ACTION 15-4-WS-C
A. PACHEO, <i>et al.</i> ,	:	
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 is made, 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 **DISMISSED** without prejudice as malicious pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i) and 1915A(b)(1), and that the action be counted as strike for the purposes of 28 U.S.C. § 1915(g).

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 20th day of February, 2015.

s/WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE