

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

JAMES DOUGLAS LEWIS, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 15-00303-WS-N
	)	
HUEY "HOSS" MACK, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

After due and proper consideration of the issues raised, and there having been no objections filed, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated January 22, 2015, is **ADOPTED** as the opinion of this Court. It is **ORDERED** that plaintiff's motion to proceed without prepayment of fees (Doc. 2) be **DENIED**, this action be **DISMISSED** without prejudice as malicious pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), and that the action be counted as strike under 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 and ORDERED** this the 29th day of February, 2016.

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