

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

<b>JAMES DOUGLAS LEWIS, JR.,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION 15-389-KD-N</b>
	)	
<b>HUEY "HOSS" MACK, et al.,</b>	)	
<b>Defendants.</b>	)	

**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 February 18, 2016, **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 3<sup>rd</sup> day of **May 2016**.

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