

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

DONNIE SHROPSHIRE, AIS)	
#175941,)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 15-0575-CG-M
)	
DEBORAH TONEY, <u>et al.</u>,)	
)	
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 recommendation to which objection is made¹, the 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 and is hereby **DISMISSED** with prejudice, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) because Plaintiff's claims are frivolous and malicious.

The Clerk is **DIRECTED** to send to the Commissioner of the Alabama Department of Corrections a copy of the Report and Recommendation, of this Order

¹ Plaintiff's objection focuses on the Magistrate's role in making the Report and Recommendation, and misconstrues that role as being exercised pursuant to 28 U.S.C. §636(c), without the plaintiff's consent. In fact, the Magistrate's Report and Recommendation was issued pursuant to 28 U.S.C. § 636(b)(1)(B) and S. D. Ala. Gen L R 72(a)(2)(R). The final decision in the case is made by the undersigned.

adopting the Report and Recommendation, and of the Judgment.

DONE and ORDERED this 20th day of April, 2016.

/s/ Callie V. S. Granade
SENIOR UNITED STATES DISTRICT JUDGE