

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

RODERICK DEWAYNE ABRAMS, 220360,:

Plaintiff, :

vs. : CIVIL ACTION 15-583-WS-C

CHARLES EDWARD DAUGHTRY, :

Defendant. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, 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), or in the alternative, that it be **DISMISSED** without prejudice for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) 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 5th day of August, 2016.

s/WILLIAM H. STEELE  
CHIEF UNITED STATES DISTRICT JUDGE