

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

<b>JAMES BROADHEAD,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION NO. 15-00631-KD-M</b>
	)	
<b>D. ROGERS, et. al.,</b>	)	
<b>Defendants.</b>	)	

**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 Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B), dated January 20, 2016, is adopted as the opinion of this Court.<sup>1</sup>

It is **ORDERED** that this action is hereby **DISMISSED** without prejudice, prior to service of process, pursuant to 28 U.S.C. § 1915(g).

**DONE and ORDERED** this 10<sup>th</sup> day of **March 2016**.

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

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<sup>1</sup> Broadhead sent a letter to the Court dated January 16, 2016. (Doc. 3). The letter contains a second complaint, which both repeats the allegations of the instant complaint and contains slightly different allegations. The Court construes this letter as a motion to amend the complaint. However, the “amended” complaint does not allege that Broadhead was “under imminent danger of serious physical injury” at the time of the complaint’s filing. *See* Report and Recommendation, Doc. 2 at 3-4). Accordingly, any new allegations in the amended complaint do not impact the findings of the Report and Recommendation.