

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

<b>ANDRE CARSTARPHEN, SR.,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 16-00170-KD-N</b>
	)	
<b>JUDGE ROBERT SMITH and</b>	)	
<b>PROSECUTOR MATTHEW</b>	)	
<b>SIMPSON,</b>	)	
<b>Defendants.</b>	)	

ORDER

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendation (Doc. 16) of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), and S.D. Ala. GenLR 72(a)(2)(S), and dated October 19, 2016, is ADOPTED, in part,<sup>1</sup> as the opinion of this Court, as follows:

The Court adopts Section I, Section II (a), Section II (b)(3) & (4).

The Court declines to adopt Sections II (b)(1) & (2).

Accordingly, it is ORDERED that Plaintiff's "Motion to Release Andre Carstarphen Jr. immediately" (Docs. 5, 14, 15) is DENIED, that the Defendants' motions to dismiss (Doc. 10, 11) are GRANTED), and this action is DISMISSED with prejudice.

In accordance with Federal Rule of Civil Procedure 58, final judgment shall be entered by separate document.

DONE and ORDERED this the 14th day of November 2016.

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

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<sup>1</sup> The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b).