

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

CHARLES WILLIAM)
CUNNINGHAM, JR.,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 16-180-CG-N
)
MR. KNOUS, et al.,)
)
Defendants.)

ORDER

After due and proper consideration of the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge (Doc. 40) 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)(R), and dated July 19, 2017, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that the remaining claims against Defendant Gloria McClain are **DISMISSED without prejudice** sua sponte for the Plaintiff's failure to make the required payments under 28 U.S.C. § 1915(b) or, alternatively, for failure to prosecute and obey the Court's orders under both Federal Rule of Civil Procedure 41(b) and the Court's inherent authority to manage its docket. All claims having been dismissed, it is further **ORDERED** that all pending motions are **MOOT**.

Final judgment shall be entered accordingly by separate document in accordance with this Order, the Court's June 9, 2017 Order granting summary

judgment to the other Defendants (Doc. 39), and Federal Rule of Civil Procedure 58.

DONE and ORDERED this 10th day of August, 2017.

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