

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

**SHON PAUL MONTGOMERY,** :

**Plaintiff,** :

**vs.** : **CIVIL ACTION 16-00269-KD-C**

**SGT. KENNETH TYUS,** :

**Defendants.** :

**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), and dated November 10, 2016, is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action be and is hereby dismissed without prejudice.

**DONE and ORDERED** this 7<sup>th</sup> day of **December 2016**.

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