

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

NICHOLAS WELLS, #207770,
Plaintiff,

v.

KATIE ROBERTSON, *et al.*,
Defendants.

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CIVIL ACTION 16-00475-KD-N

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue 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 February 8, 2017 is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that this action is **DISMISSED** without prejudice, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii) because Plaintiff's claims are either malicious or fail to state a claim upon which relief may be granted.

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 and **ORDERED** this the 7th day of **March 2017**.

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