

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

JAMES EARL THOMAS, AIS # 130259, :
 Plaintiff, :
 vs. : CIVIL ACTION 17-0371-WS-N
 ERIC PETERSON, :
 Defendant. :

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) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action be and is hereby **DISMISSED** without prejudice, prior to service of process, because it is malicious, 28 U.S.C. § 1915(e)(2)(B)(i), or, in the alternative, because it fails to state a claim upon which relief may be granted, 28 U.S.C. § 1915(e)(2)(B)(ii).

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 this 25th day of October, 2017.

s/WILLIAM H. STEELE
UNITED STATES DISTRICT JUDGE