

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

RODNEY P. FAISON, # 269664A,

:

Plaintiff,

:

vs.

: CIVIL ACTION 21-0035-JB-MU

WEXFORD MEDICAL, et al.,

:

Defendants.

:

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) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that the claims against Defendant Alabama Department of Corrections be **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as frivolous, and the claims against Defendant Wexford Medical be **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be requested. It is further **ORDERED** that Plaintiff is **GRANTED** leave to file a seconded amended complaint no later than June 11, 2021 for the purpose of stating a claim against Defendant Wexford. In the absence of a second amended complaint being timely filed, it is **ORDERED** that this action be and is hereby **DISMISSED** in its entirety.

DONE and ORDERED this 27th day of April, 2021.

/s/ JEFFREY U. BEAVERSTOCK
UNITED STATES DISTRICT JUDGE