

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

SYLVESTER ELLIOTT, JR., #322733,	:	
Plaintiff,	:	
vs.	:	CIVIL ACTION 21-0154-KD-MU
EARNEST EVANS, <i>et al.</i> ,	:	
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) (doc. 17) is **ADOPTED** as the opinion of this Court.

Accordingly, this action is **DISMISSED** without prejudice, prior to service of process, pursuant to 28 U.S.C. § 1915A(b)(1) because the claims are either frivolous or fail to state a claim upon which relief can be granted.

**DONE** and **ORDERED** this 17th day of November 2021.

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