

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

<b>RONALD TYUS,</b>	:	
<b>Plaintiff,</b>	:	
<b>vs.</b>	:	<b>CIVIL ACTION 08-0370-WS-C</b>
<b>BILLY WRIGHT,</b>	:	
<b>Defendant.</b>	:	

**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 this action be and is hereby **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B). The Plaintiff has failed to state a claim upon which relief can be granted and his action is determined to be frivolous.

**DONE** this 17th day of March, 2011.

s/WILLIAM H. STEELE  
CHIEF UNITED STATES DISTRICT JUDGE