

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

<b>DAVID HANCOCK,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION 2:09-00026-KD-N</b>
	)	
<b>JAMES HOOD, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**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) and Local Rule 72.2(c)(1), and dated January 25, 2010, is **ADOPTED** as the opinion of this Court with the exception of footnote seven which is **STRICKEN**.

Accordingly, it is **ORDERED** that

(1) the motion to dismiss filed by Dr. Brian S. Claytor (doc. 34) is **GRANTED** as follows: All claims asserted against Dr. Claytor are **DISMISSED with prejudice** except the claim under the Alabama Medical Liabilities Act, Ala. Code § 6-5-484 (1975) asserted against Dr. Claytor in Count Five of the Third Amended Complaint, which is **DISMISSED without prejudice**;

(2) the alternative motion to transfer filed by Dr. Claytor (doc. 34) is **DENIED**;

(3) the motion to dismiss filed by Perry County Sheriff James Hood (doc. 39) is

**GRANTED** and the claims asserted against Sheriff Hood are **DISMISSED with prejudice**; and

(4) the motion to dismiss filed by Defendant Tommy Buford (doc. 60) is

**GRANTED** and the claims asserted against Tommy Buford are **DISMISSED with prejudice**.

Thus, it is **ORDERED** that this action is **DISMISSED** in its entirety.

**DONE** and **ORDERED** this 18th day of February, 2010.

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