

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

<b>ALBERT F. LANKSTER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Civil Action No. 09-00250-CG-N</b>
	)	
<b>CITY OF LINDEN, ALA.</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

After due and proper consideration of all pleadings in this file, and a de novo determination of those portions of the Report and Recommendation to which objection is made<sup>1</sup>, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(A) is adopted as the opinion of this Court.

It is **ORDERED** that this action be dismissed with prejudice, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(I) as frivolous.

**DONE and ORDERED** this 27<sup>th</sup> day of July, 2009.

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/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The court notes that although the court directed any objection filed by plaintiff to specifically address the jurisdictional principles discussed in the Report and Recommendation, the plaintiff failed to do so.