

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

**JOHN E. ODEN,**

**Plaintiff,**

v.

**JAMES MULLINS, et al.,**

**Defendants.**

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**CIVIL ACTION NO 10-00591-KD-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 dated January 10, 2011, is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that this action is **DISMISSED** without prejudice for failure to prosecute and to obey the Court's Order.

**DONE and ORDERED** this the 3<sup>rd</sup> day of **February 2011**.

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