

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

ELIJAH KELLY,

Plaintiff,

vs.

CHARLES R. TIPTON, *et al.*,

Defendants.

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CIVIL ACTION NO. 14-00422-WS-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 Rule 41(b) of the Federal Rules of Civil Procedure.

DONE and ORDERED this 26th day of February, 2015.

**s/WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE**