

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

SCOTTY BIRMINGHAM,

PLAINTIFF

V.

NO. 3:05CV091-P-D

S. McKINNEY, ET AL,

DEFENDANTS

FINAL JUDGMENT

In accordance with the opinion issued this day, the instant cause is **dismissed** without prejudice for failure to state a claim upon which relief can be granted in accordance with 28 U.S.C. § 1915(e)(2)(B)(ii).

IT IS SO ORDERED.

THIS the 3rd day of August, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE