

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RANDY J. RICHBURG, #240472,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:19-cv-598-ECM
)	
STATE OF ALABAMA, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On November 8, 2019, the Magistrate Judge entered a Recommendation (doc. 10) to which no timely objections have been filed. After an independent review of the file and upon consideration of the Recommendation, and for good cause, it is

ORDERED as follows that:

1. the Recommendation of the Magistrate Judge is ADOPTED;
2. the Plaintiff's § 1983 claims against the Alabama Department of Corrections and Captain McCee are DISMISSED in accordance with the provisions of 28 U.S.C. § 1915A(b)(1) for failure to state a claim on which relief may be granted;
3. Defendants Alabama Department of Corrections and Captain McCee are DISMISSED as defendants prior to service of process; and
4. this case is referred back to Magistrate Judge for further proceedings.

Done this 11th day of December, 2019.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE