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ALABAMA COURT OF CIVIL APPEALS

OCTOBER TERM, 2010-2011

2081084

Alabama Department of Corrections et al.

v.

Jerry Mack Merritt et al.

Appeal from Montgomery Circuit Court
(CV-07-143, CV-07-1194, CV-008-1640, and CV-08-416)

After Remand from the Alabama Supreme Court

PER CURIAM.

The prior judgment of this court has been reversed and the cause remanded by the Supreme Court of Alabama. Ex parte Alabama Dep't of Corr., [Ms. 1100129, May 13, 2011] ___ So. 3d

2081084

___ (Ala. 2011). On remand to this court, and in compliance with the supreme court's opinion, the appeal is dismissed in its entirety, with instructions for the trial court to vacate its 54(b), Ala. R. Civ. P., certification.

APPEAL DISMISSED WITH INSTRUCTIONS.

All the judges concur.