

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

MOSES CARTER, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No.1:08cv858-TMH
	)	(WO)
DOUG VALESKA, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

The Magistrate Judge filed a Recommendation (Doc. #6) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

ORDERED that the RECOMMENDATION (Doc. #6) of the Magistrate Judge is ADOPTED. Plaintiff’s 42 U.S.C. § 1983 claims against Defendants are DISMISSED with prejudice, in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i), for the reasons stated in the Magistrate Judge’s Recommendation. Plaintiff’s challenge to the constitutionality of his pending criminal charges and/or confinement is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) because such claim(s) are not properly before the Court at this time. This case is DISMISSED prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) & (ii).

An appropriate judgment will be entered.

Done this 16th day of December, 2008.

/s/ Truman M. Hobbs

UNITED STATES DISTRICT JUDGE