

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

DARRICK D. SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:08cv886-WHA
	)	(WO)
JUDGE LAWSON LITTLE, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

The Magistrate Judge filed a Recommendation (Doc. #4) 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. #4) of the Magistrate Judge is ADOPTED. It is further ORDERED that

1. Plaintiff’s 42 U.S.C. § 1983 claims against Defendants Little, Valeska, Johnson, and Blumenfeld are DISMISSED with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(I) for the reasons set forth in the Magistrate Judge’s Recommendation;
2. Plaintiff’s § 1983 claims against Defendant Smith are DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);
3. Plaintiff’s challenge to the constitutionality of his pending criminal charge is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) because the claim

is not properly before the Court at this time; and

4. This suit pursuant to 42 U.S.C. § 1983 is DISMISSED prior to service of process in accordance with 42 U.S.C. § 1915 (e)(2)(B)(i) & (ii).

An appropriate judgment will be entered.

Done this 3rd day of December, 2008.

/s/ W. Harold Albritton

W. Harold Albritton

Senior U. S. District Judge