

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

RONNIE LEE COLE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 1:08cv894-TMH
	)	(WO)
MR. SHAUN MCGEE, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION and ORDER**

This litigation is now before the court on the recommendation of the United States Magistrate Judge entered on November 18, 2008, (Doc. # 4), that this case be dismissed. After a review of the recommendation, to which no timely objections have been filed, and after an independent review of the entire record, the court believes that the recommendation should be adopted. Accordingly, it is

ORDERED and ADJUDGED as follows:

1. that the Recommendation of the Magistrate Judge be and is hereby ADOPTED.
2. that the § 1983 claims presented against the Houston County Circuit Court and Shaun McGhee be and are hereby DISMISSED with prejudice prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i);
3. that the plaintiff’s challenge to the constitutionality of his pending criminal charge be and is hereby DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as such claim is not properly before the court at this time; and

4. that this case be and is hereby 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 the 29th day of December, 2008.

/s/ Truman M. Hobbs

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TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE