

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

JOHNNY W. THOMAS,)	
)	
Plaintiff,)	
)	
v.)	1:09-CV-454-TMH
)	[WO]
)	
CIRCUIT COURT OF HOUSTON COUNTY,)	
<i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On May 28, 2009, the Magistrate Judge filed a Recommendation (Doc. 4) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation (Doc. 4) of the Magistrate Judge is ADOPTED;
2. The § 1983 claims presented against Judge Butch Binford, Shaun McGhee, and the Circuit Court for Houston County be DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) and/or (iii);
3. Plaintiff’s challenge to the constitutionality of the conviction and/or sentence imposed upon him by the Circuit Court for Houston County, Alabama, be DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as such claims are not properly before the court at this time;

and,

4. This complaint be DISMISSED prior to service of process.

An appropriate judgment will be entered.

Done this 22nd day of June, 2009.

/s/ Truman M. Hobbs

SENIOR UNITED STATES DISTRICT JUDGE