

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

THOMAS JAMES EALY, #177006,)	
)	
Plaintiff,)	
v.)	CASE NO. 1:09-cv-677-TMH
)	WO
LAWSON LITTLE, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #17) to the Recommendation of the Magistrate Judge filed on September 28, 2009 is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #10) filed on September 8, 2009 is adopted;
3. Plaintiff's complaint and amended complaint (Doc. #1, #5) against defendants challenging events which occurred on or about May 26, 2006 and June 27, 2007 are DISMISSED with prejudice pursuant to the directives of 28 U.S.C. 1915(e)(2)(B)(i) as plaintiff failed to file the complaint with regard to these allegations within the time prescribed by the applicable period of limitations.
4. Plaintiff's § 1983 claims presented against defendfants Little, Mendheim, Spencer, Maxwell, and the Houston County Sheriff's Department, to the extent they are not barred by

the applicable statute of limitations, are DISMISSED with prejudice in accordance with the directives of 28 U.S.C. 1915(e)(2)(B)(i) and/or (iii).

5. Plaintiff's challenge to the constitutionality of the conviction and sentence imposed upon him by the Circuit Court of Houston County, Alabama, is 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.

6. The plaintiff's complaint, as amended, is DISMISSED prior to service of process.

DONE this the 9th day of December, 2009.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE