

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

RUPERT WARD, Jr.,  
  
Plaintiff,  
  
v.  
  
THE STATE OF ALABAMA, *et al.*,  
  
Defendants.

CASE NO. 1:09-cv-749-TMH  
[WO]

**ORDER**

The Magistrate Judge entered 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. It is further

ORDERED as follows:

- a. Plaintiff’s complaint against Defendants challenging events which occurred on or about June 15, 2005, is DISMISSED with prejudice pursuant to 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

limitation;

- b. Plaintiff's 42 U.S.C. § 1983 claims presented against Defendants Holloway, Amason, Little, the State of Alabama, and Henry County, 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); and
- c. Plaintiff's challenges to the constitutionality of his criminal trial proceedings and resulting convictions and sentence imposed upon him by the Circuit court of Henry 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; and
- d. the complaint under 42 U.S.C. § 1983 is DISMISSED prior to service of process.

Done this 18<sup>th</sup> day of September, 2009.

/s/ Truman M. Hobbs

UNITED STATES DISTRICT JUDGE