

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

MOSES CARTER, JR.,)
)
 Plaintiff,)
)
 v.)
)
 CITY POLICE FOR DOTHAN, *et al.*,)
)
 Defendants.)

CASE NO. 1:09-cv-813-ID
[WO]

ORDER

The Magistrate Judge entered 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 as follows:

- a. Plaintiff’s § 1983 claims against Defendants Dothan Police Department, Houston County Sheriff’s Department, and Judge Rose Gordon are DISMISSED with prejudice in accordance with 28 U.S.C. § 1915(e)(2)(B)(i) and (iii);
- b. Plaintiff’s § 1983 claims against Defendant Dothan Police Chief are DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);

- c. Plaintiff's challenge to the constitutionality of his current detention is 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
- d. This case is DISMISSED prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) - (iii).

Done this 28th day of September, 2009.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE