

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

MICHAEL JACKSON,)	
)	
Plaintiff,)	
v.)	CASE NO. 1:09cv1173-MEF
)	
TROY KING, et al.,)	
)	
Defendants.)	

ORDER

On January 4, 2010, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 8). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. The plaintiff's claims against Butch Binford, Troy King, Douglas A. Valeska, Matthew C. Lamere and the Houston County Jail are DISMISSED with prejudice prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(I), (ii) and (iii).

2. To the extent Jackson presents claims challenging the constitutionality of criminal charge(s) pending against him before the Circuit Court of Houston County, Alabama, these claims are DISMISSED without prejudice in accordance with the provisions of 28 U.S.C. §

1915(e)(2)(B)(ii).

3. This case, with respect to the plaintiff's claims challenging conditions of confinement at the Houston County Jail, are referred back to the Magistrate Judge for additional proceedings.

DONE this the 2nd day of February, 2010.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE