

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

WILLIAM DRAKE, JR.,)	
)	
Plaintiff,)	
)	
v.)	1:10-CV-668-ID
)	WO
ANDY HUGHES, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On September 22, 2010, the Magistrate Judge filed a Recommendation (Doc. 6) 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. 6) of the Magistrate Judge is ADOPTED;
2. The § 1983 claims presented against Defendants Valeska, Atwell, and Davis be DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) and (iii);
3. Plaintiff’s negligence claim be DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i);
4. Plaintiff’s challenge to the constitutionality of his conviction and sentence and/or pending criminal charges 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

5. This case be DISMISSED prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i-iii).

Done this 14th day of October, 2010.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE