

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

DEMARLOS DAVIS,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 1:10-CV-902-ID
v.)	
)	(WO)
MAX ANDREWS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Before the court are the Recommendation of the Magistrate Judge, (Doc. #7), and Plaintiff's Objection, (Doc. #8). Having conducted a *de novo* determination of those portions of the Recommendation to which objections are made, it is CONSIDERED and ORDERED as follows:

1. Plaintiff's Objection (Doc. #8) be and the same is hereby OVERRULED;
2. The Recommendation of the Magistrate Judge (Doc. #7) be and the same is hereby ADOPTED, APPROVED and AFFIRMED;
3. Plaintiff's claims for monetary damages against Jerry White, Butch Binford, and Max Andrews be and the same are hereby DISMISSED with prejudice prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and (iii);
4. Plaintiff's conspiracy claim be and the same is hereby DISMISSED with prejudice pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(ii); and

5. To the extent the Plaintiff presents claims challenging the constitutionality of a criminal charge pending against him before the Circuit Court of Houston County, Alabama, these claims are hereby DISMISSED without prejudice in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii).

DONE this the 29th day of November, 2010.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE