

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

TERRENCE PONCEY,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:11-cv-010-ID
)	
)	
CITY OF DOTHAN, <i>et al.</i> ,)	
)	
Defendants.)	

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 as follows:

- a. the Recommendation (Doc. #4) of the Magistrate Judge is ADOPTED;
- b. the § 1983 claims presented against Defendants City of Dothan and Judge Gordon are DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) and (iii);
- c. Plaintiff’s § 1983 claims against Defendant Edwards are DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);

- d. 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
- e. 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).

A separate judgment shall issue.

Done this 9th day of February, 2011.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE