

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

TERRENCE POUNCEY,)	
)	
Plaintiff,)	
v.)	CASE NO. 1:11-cv-541-TMH
)	WO
CITY OF DOTHAN, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #11) to the Recommendation of the Magistrate Judge filed on July 28, 2011 is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #8) filed on July 22, 2011 is adopted;
3. The § 1983 claims presented against Defendant city of Dothan are 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 matters associated with his detention and/or conviction stemming from his June 24, 2010 arrest is DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as such claim(s) is not properly before the court.
5. With respect to the remaining defendant, this case is referred back to the

Magistrate Judge for further appropriate proceedings.

DONE this the 14th day of September, 2011.

/s/ Truman M. Hobbs
SENIOR UNITED STATES DISTRICT JUDGE