

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

TERRENCE POUNCEY,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 1:11cv695-WHA
)	
CITY OF DOTHAN, et al.,)	
)	
Defendants.)	

ORDER

Upon a *de novo* review and independent evaluation of this case, including the Recommendation of the Magistrate Judge (Doc. #4), the Objection to Case Being Dismissed (Doc. #5), filed by the Plaintiff on September 20, 2011, and the entire file, the court finds the objection to be without merit, and it is hereby overruled. The court adopts the Recommendation of the Magistrate Judge, and it is hereby ORDERED as follows:

1. The § 1983 action presented against Defendants is DISMISSED with prejudice for lack of subject matter jurisdiction.
2. To the extent that Plaintiff’s Complaint challenges the constitutionality of his current detention and/or the constitutionality of his conviction and/or sentence imposed during his state court criminal proceedings, such claims are 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 in this case.
3. This case is DISMISSED prior to service of process.
4. The clerk is DIRECTED to comply with the Plaintiff’s request attached to his

objection, and to mail him the requested forms.

DONE this 3rd day of October, 2011.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE