

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

ALEXANDER SWAIN, AIS#208603,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1;11cv800-TMH
)	
LAW OFFICES OF VALERIE D.)	
JUDAH, LLC,)	
)	
Defendant.)	

ORDER AND OPINION

On October 4, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 5). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. The plaintiff’s claims against Valerie D. Judah are DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(I).

2. To the extent the complaint presents claims which challenge the constitutionality of the convictions and sentences imposed upon the plaintiff by the Circuit Court of Houston County, Alabama in 2009 and 2011, the complaint is 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.

3. This case is DISMISSED prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(b)(I) and (ii).

Done this the 27th day of October, 2011.

/s/ Truman M. Hobbs

SENIOR UNITED STATES DISTRICT JUDGE