

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

ALEXANDER SWAIN, #208603,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 1:11CV801-WHA
)	
STATE OF ALABAMA, et al.,)	(WO)
)	
Defendants.)	

ORDER

No objection having been filed to the Recommendation of the Magistrate Judge (Doc. #4), entered on October 11, 2011, and upon an independent review of the file in this case, the court adopts the Recommendation of the Magistrate Judge, and it is hereby ORDERED as follows:

1. The Plaintiff's claims against the State of Alabama are DISMISSED with prejudice pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(i) and (iii).
2. The Plaintiff's claims against the Public Defender's Office and 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).
3. To the extent the Complaint presents claims which challenge the constitutionality of a conviction and sentence recently imposed upon the Plaintiff by the Circuit Court of Houston County, Alabama, 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.
4. This case is DISMISSED prior to service of process in accordance with the directives

of 28 U.S.C. § 1915(e)(2)(B)(i), (ii) and (iii).

Final Judgment will be entered accordingly.

DONE this 8th day of November, 2011.

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