

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

WILLIE McCREE, #177502,)	
)	
Plaintiff,)	
)	
v.)	CIV. ACT. NO. 1:11cv850-TMH
)	(WO)
JACK A. BLUMENFIELD, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION and ORDER

On October 14, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 4). 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 as follows that:

1. The Recommendation of the Magistrate Judge be and is hereby ADOPTED.
2. The plaintiff’s claims against the defendants be and are hereby 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 2008 conviction and sentence imposed upon the plaintiff by the Circuit Court of Houston County, Alabama, the complaint be and is hereby 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 be and is hereby DISMISSED prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

Done this the 9th day of November 2011.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE