

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

EVANS RUSS, Jr.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:11-cv-879-TMH
)	[wo]
JACK A BLUMENFELD, et al,)	
)	
Defendants.)	

OPINION and ORDER

On November 3, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. No. 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 that the Recommendation of the Magistrate Judge be and is hereby ADOPTED, and that 1) Plaintiff’s § 1983 claims against Defendants are DISMISSED with prejudice in accordance with directives of 28 U.S.C. § 1915(e)(2)(B)(i), (ii) and/or (iii), 2)Plaintiff’s challenge to the constitutionality of the conviction and/or sentence imposed upon him by the Circuit Court for Houston County, Alabama, be DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii), and 3) the case be DISMISSED prior to service of process in accordance with directives of 28 U.S.C. § 1915(e)(2)(B)(i), (ii) & (iii).

DONE this 2nd day of December, 2011.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
UNITED STATES DISTRICT JUDGE