

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

JIMMY EARL HALL, AIS # 103508,)	
)	
Plaintiff,)	
)	
v.)	CIV. ACT. NO. 1:12cv79-TMH
)	(WO)
DONOVAN ARIAS <i>et al.</i> ,)	
)	
Defendants.)	

OPINION and ORDER

On March 20, 2012, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 10). 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 for criminal prosecution of the defendants under federal and state law be and are hereby DISMISSED with prejudice prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i).

3. To the extent the complaint presents claims which implicate the constitutionality of a 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 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 17th day of April 2012.

/s/ Truman M. Hobbs
TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE