

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

DANIEL CARTER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:12cv124-WHA
)	
JUDGE CONAWAY, et al.,)	
)	
Defendants.)	

ORDER AND OPINION

On October 24, 2012, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 8). 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 Jack Blumenfeld 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 that the complaint presents claims which challenge the constitutionality of a conviction and sentence 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.
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 26th day of November, 2012.

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