

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

JIMMY CORNELL TERRY, #170924,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 1:13-cv-0738-TMH
	)	WO
CHRIS HURLEY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

After an independent and de novo review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #12) to the recommendation of the magistrate judge filed on January 15, 2014, is overruled;
2. The recommendation of the magistrate judge (Doc. #11) entered on January 3, 2014, is adopted;
3. The plaintiff's challenge to the constitutionality of his arrest on December 17, 2010, is dismissed with prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i), as the plaintiff failed to file the complaint within the time prescribed by the applicable period of limitation;
4. To the extent that the plaintiff challenges the constitutionality of his convictions by the Circuit Court of Coffee County, Alabama and the incarceration resulting therefrom, these claims are summarily dismissed pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as such claims are not cognizable in the instant civil action; and

5. 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 10th day of March, 2014.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE