

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

TODD JOHNATHAN WHITEHEAD,	)	
AIS #287908,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 1:14-cv-39-WHA
	)	
	)	
DOUGLAS ALBERT VALESKA, et al.,	)	
	)	
Defendants.	)	

**ORDER**

This case is before the court on the Recommendation of the Magistrate Judge (Doc. # 7), to which no timely objection has been filed.

The court adopts the Recommendation of the Magistrate Judge (Doc. # 7), and it is hereby ORDERED as follows:

1. The plaintiff's challenge to the constitutionality of his arrest on August 16, 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.
2. The plaintiff's claims against defendants Valeska and Shields are DISMISSED with prejudice in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and (iii).
3. The plaintiff's malicious prosecution claim is summarily DISMISSED pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as it fails to state a claim upon which relief can be granted.

4. To the extent the plaintiff presents claims challenging the constitutionality of his conviction by the Circuit Court of Houston County, Alabama and the incarceration resulting from this conviction, these claims are DISMISSED in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(ii) as such claims are not cognizable in the instant civil action.
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), (ii), and (iii).

DONE this 3rd day of June, 2014.

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