

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

FREDRICK BENARD MOSLEY,)
vs.)
Plaintiff,)
DOOTHAN POLICE DEPARTMENT, et al.,) CASE NO. 1:14cv-071-WHA
Defendants.) (WO)

ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. #12), entered on March 25, 2014, and the Plaintiff's Objection (Doc. #13), filed on March 31, 2014.

After conducting an independent evaluation and *de novo* review of the file in this case, the court finds the objection to be without merit, and it is hereby OVERRULED. The court ADOPTS the Recommendation of the Magistrate Judge, and it is hereby ORDERED as follows:

1. Plaintiff's claims challenging events which occurred on or before January 14, 2009, are DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2)(B)(i) as Plaintiff failed to file the Complaint regarding these allegations within the time prescribed by the applicable statute of limitations.
2. Plaintiff's challenge to the constitutionality of the conviction and/or sentence imposed upon him on or about January 14, 2009, by the Circuit Court of Houston County, Alabama, is DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B)(i) as such claims are not properly before the court at this time.

3. This case is DISMISSED prior to service of process under 28 U.S.C. § 1915(e)(2)(B)(i-ii).

DONE this 7th day of April, 2014.

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