

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

GEORGE EDWARD JARRELL,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	1:16cv70-MHT
)	(WO)
TOM S. SMITH,)	
)	
Defendant.)	

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff, an inmate, filed this lawsuit against his court-appointed lawyer in a pending state-court criminal case, contending that the lawyer has violated and continues to violate his constitutional rights to due process and effective assistance of counsel. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that plaintiff's case be dismissed. Also before the court are plaintiff's objections to the recommendation. After an independent and de novo review of the record, the court concludes that plaintiff's objections should be overruled and the

magistrate judge's recommendation adopted, except that the dismissal of his claim for damages against the defendant will be without prejudice.

An appropriate judgment will be entered.

DONE, this the 3rd day of March, 2016.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE