

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

JONATHAN J. BERRY,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	1:16cv850-MHT
)	(WO)
LARRY ANDERSON, et al.,)	
)	
Defendants.)	

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff, an inmate, filed this lawsuit contending that the defendants--a circuit judge, a district attorney, and a court-appointed lawyer--violated his constitutional rights at his sentencing. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that plaintiff's claims for monetary, injunctive, and declaratory relief be dismissed with prejudice, and that his challenge to the constitutionality of his sentence and incarceration be dismissed without prejudice. There are no objections to the recommendation. After an independent and de

novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted, with one adjustment: to the extent plaintiff raises a claim under Alabama law for malpractice against his former attorney, such claim will be dismissed without prejudice and with leave to refile in state court.

An appropriate judgment will be entered.

DONE, this the 20th day of December, 2016.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE