

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

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

JUDGMENT

In accordance with the memorandum opinion entered today, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) The United States Magistrate Judge's recommendation (doc. no. 7) is adopted with the adjustment noted in the opinion.

(2) Plaintiff Jonathan J. Berry's claims pursuant to 42 U.S.C. § 1983 against defendants Larry Anderson and Doug Valeska for monetary, injunctive, and declaratory relief are dismissed with prejudice.

(3) Plaintiff Berry's claims pursuant to 42 U.S.C. § 1983 against defendant Dustin Byrd are dismissed with

prejudice; however, to the extent plaintiff Berry makes a claim against defendant Byrd under Alabama law for malpractice, that claim is dismissed without prejudice, with leave to refile in state court.

(4) Plaintiff Berry's challenges to the constitutionality of the sentences imposed upon him by the Circuit Court of Houston County, Alabama on December 3, 2013, and to his incarceration on these sentences are dismissed without prejudice.

(5) No costs are taxed.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is closed.

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

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE