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

JAMES W. BAILEY, #200 587,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 1:18-CV-543-ECM
	)	[WO]
ALLEN HENDRICKSON, *et al.*,	)	
	)	
Defendants.	)	

OPINION and ORDER

Before the court is the Recommendation of the Magistrate Judge entered September 24, 2018. (Doc. # 5). There being no timely objections filed to the Recommendation, and based on an independent review of the record, the Recommendation of the Magistrate Judge (doc. # 5) is ADOPTED and it is ORDERED as follows:

1. Plaintiff's § 1983 claims in ¶¶ II(A), II(B), and II(G)(ii) are DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2)(B)(i) and/or (iii);

2. Plaintiff's § 1983 claims in ¶¶ II(C), II(E), II(F), & II(G)(i) and (iii), and II(H) are DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii);

3. Plaintiff's § 1983 claims challenging events which occurred on or before December 22, 2004 (*see* ¶ II(D)), are DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2)(B)(i) as Plaintiff failed to file the complaint regarding this allegation within the time prescribed by the applicable statute of limitations;

4. Plaintiff's § 1983 complaint, to the extent it challenges to the constitutionality of the convictions and/or sentences on which he is incarcerated (*see* ¶ II(I)), are DISMISSED

without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii) as such claims are not properly before the court at this time; and

5. Plaintiff's supplemental state law claims (*see* ¶ II(J)) are DISMISSED without prejudice.

6. This case is DISMISSED prior to service of process under 28 U.S.C. § 1915(e)(2)(B)(i–iii).

A Final Judgment will be entered separately.

DONE this 7th day of November, 2018.

/s/ Emily C. Marks
EMILY C. MARKS
UNITED STATES DISTRICT JUDGE