

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

STEVE K. SHELTON, #141484,)
)
 Plaintiff,)
)
 v.)
)
 RICHARD B. WHITE, JR.,)
)
 Defendant.)

CASE NO. 2:08-CV-560-TMH

ORDER

The Magistrate Judge filed a Recommendation (Doc. #6) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

ORDERED that the RECOMMENDATION (Doc. #6) of the Magistrate Judge is ADOPTED; the 42 U.S.C. § 1983 claims presented against Richard White, Jr., are DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(I); Plaintiff’s challenge to the constitutionality of his conviction(s) and sentence imposed upon him by the Circuit Court for Montgomery County, Alabama, is DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii), as such claims are not properly before the court at this time; and this complaint is DISMISSED prior to service of process.

An appropriate judgment will be entered.

Done this 9th day of September, 2008.

/s/ Truman M. Hobbs

UNITED STATES DISTRICT JUDGE