

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

JEREMY CHRISTOPHER TATUM,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:08cv792-TMH
)	
D.T. MARSHALL, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

The Magistrate Judge filed a Recommendation (Doc. #17) 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. #17) of the Magistrate Judge is ADOPTED. For the reasons stated in the Magistrate Judge’s Recommendation, Plaintiff’s 42 U.S.C. § 1983 claims against Defendants Johnny Hardwick, Melissa Rittenour, Eleanor Brooks, and Larry Sasser are DISMISSED with prejudice and prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i), (ii) and (iii). Plaintiff’s § 1983 claims against Defendant Marshall regarding the constitutionality of his confinement are DISMISSED as Defendant Marshall has acted pursuant to the directives of a state court in ensuring Plaintiff’s confinement. Plaintiff’s challenge to the constitutionality of the conviction and sentence imposed upon him by the Circuit Court of Montgomery County,

Alabama, for assault is DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) because such claims are not properly before the Court at this time.

This case, with respect to Plaintiff's claims challenging the handling of his personal mail and overcrowded conditions at the Montgomery County Detention Facility lodged against Defendants Marshall and Wright, is REFERRED back to the Magistrate Judge for further proceedings.

Done this 28th day of January, 2009.

/s/ Truman M. Hobbs

UNITED STATES DISTRICT JUDGE