

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

ALVIN JAMES JOHNSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:08-CV-830-TMH
	)	[WO]
JUDGE EUGENE REESE, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION AND ORDER**

On October 20, 2008, the Magistrate Judge filed a Report and Recommendation (Doc. 4) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation (Doc. 4) of the Magistrate Judge is ADOPTED;
2. The plaintiff’s claims against Eugene Reese, Sharon Yates, Melissa Rittenhour, and Richard Benjamin White, Jr., be DISMISSED with prejudice prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i), (ii) and (iii); and
3. To the extent Johnson presents claims challenging the constitutionality of criminal charges pending against him before the state courts of Montgomery County, Alabama, these claims be DISMISSED without prejudice in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii).

Done this the 3rd day of December, 2008.

**/s/ Truman M. Hobbs**

SENIOR UNITED STATES DISTRICT JUDGE