

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

JAMES BEAMON, AIS # 166666,)	
)	
Plaintiff,)	
)	
v.)	2:09-CV-79-TMH
)	[WO]
)	
STATE OF ALABAMA,)	
)	
Defendant.)	

ORDER

On February 3, 2009, the Magistrate Judge filed a 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 the State of Alabama be DISMISSED with prejudice under the directives of 28 U.S.C. § 1915(e)(2)(B)(i), (ii) and (iii);
3. The plaintiff's challenge to the constitutionality of the convictions and sentences imposed upon him in 2008 by the Circuit Court of Montgomery County, Alabama for robbery and kidnapping and any claims related to the revocation of his parole based on such charges be summarily DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as these claims are not properly before the court at this time; and

4. This case be DISMISSED prior to service of process as required by the directives of 28 U.S.C. § 1915(e)(2)(B)(i), (ii) and (iii).

An appropriate judgment will be entered.

Done this 3rd day of March, 2009.

/s/ Truman M. Hobbs

SENIOR UNITED STATES DISTRICT JUDGE