

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

JAMES BEAMON, #166666,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:09-cv-082-TMH
	)	WO
STATE OF ALABAMA, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. # 4) to the Recommendation of the Magistrate Judge filed on February 17, 2009 is overruled;

2. The Recommendation of the Magistrate Judge (Doc. #3 ) filed on February 3, 2009 is adopted;

3. Plaintiff's claims against the State of Alabama, the Montgomery County Courthouse, Charles Price and Randall Thomas are DISMISSED with prejudice under the directives of 28 U.S.C. § 1915(e)(2)(B)(i), (ii) and (iii).

4. Plaintiff's challenge to the constitutionality of the conviction and sentence imposed upon him by the Circuit Court of Montgomery County, Alabama for first degree robbery 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.

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

DONE this 6th day of March, 2009.

/s/ Truman M. Hobbs

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TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE