

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

ALVIN JAMES JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	2:09-CV-98-TMH
)	[WO]
)	
STATE OF ALABAMA, <i>et al.</i> ,)	
)	
Defendants.)	

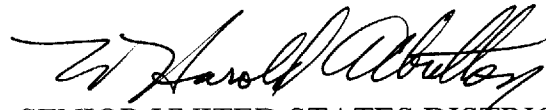
ORDER

On February 11, 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, the Montgomery Police Department and the Montgomery County Courthouse be DISMISSED with prejudice prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i); and
3. To the extent Johnson presents a claim challenging the constitutionality of actions occurring in a pending state criminal case these claims be DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii).

An appropriate judgment will be entered.

Done this *6th* day of February, 2009.

A handwritten signature in black ink, appearing to read "W. Harold Albury". The signature is fluid and cursive, with a large initial "W" and "H".

SENIOR UNITED STATES DISTRICT JUDGE