

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

ALVIN JAMES JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	2:09-CV-385-TMH
)	[WO]
)	
DISTRICT ATTORNEY ELLEN BROOKS)	
and DETECTIVE MIKE MYRICK, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On May 5, 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 defendant Brooks and Myrick be DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) and (iii); and
3. To the extent Johnson presents a claim challenging the constitutionality of actions occurring in a pending state criminal case, this case 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 17th day of June, 2009.

/s/ Truman M. Hobbs

SENIOR UNITED STATES DISTRICT JUDGE