

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

KENNETH GENE WALL,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:09-cv-527-MEF
)	
ANITA DENISE WALL d/k/a ANITA)	
DENISE GRIFFITH, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On August 28, 2009, the Magistrate Judge filed a Recommendation (Doc. #39) 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 the

ORDER, JUDGMENT and DECREE of the court that:

1. The Recommendation of the Magistrate Judge is ADOPTED.
2. The motion to dismiss (Doc. #10) and the motion for judgment on the pleadings (Doc. #30) are GRANTED and that: (a) plaintiff's claims for declaratory and injunctive relief are DISMISSED for lack of jurisdiction pursuant to the *Rooker-Feldman* doctrine; (b) plaintiff's claims for damages against Judges Bush and Reynolds and Special Master/Court Referee Hiebel are DISMISSED with prejudice pursuant to their absolute judicial immunity; (c) plaintiff's claims for damages against defendants Griffith and Fain -- to the extent they arise from the actions taken by Judge Bush and Special Master/Court Referee Hiebel in plaintiff's divorce action and Judge Reynolds' actions in both the underlying divorce action

and in the contempt proceedings conducted in 2005 -- are DISMISSED with prejudice as they are barred by the statute of limitations; and (d) that plaintiff's claims against defendants Griffith and Fain -- to the extent they arise from Judge Reynolds' actions in causing plaintiff to be arrested within the two years preceding the commencement of this action are DISMISSED without prejudice due to plaintiff's failure to allege facts sufficient to support a finding of "state action" on the part of either Griffith or Fain.

3. The plaintiff's motion for preliminary injunction is DENIED.

DONE this the 24th day of September, 2009.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE