

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

BERNIES BURNETT,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:10-cv-116-TMH
)	WO
BOB RILEY, <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. #7) to the Recommendation of the Magistrate Judge filed on March 26, 2010 is overruled;

2. The Recommendation of the Magistrate Judge (Doc. #6) filed on March 8, 2010 is adopted;

3. Plaintiff's complaint seeking enforcement of a prior consent decree is DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. 1915(e)(2)(B)(ii).

4. To the extent Plaintiff's complaint alleges claims which seek to assert the legal rights or interests of another person, such claims are DISMISSED with prejudice under 28 U.S.C. 1915(e)(2)(B)(ii).

5. Plaintiff's claims arising from actions taken against him during his incarceration

at the Limestone Correctional Facility are DISMISSED without prejudice to the rights of Plaintiff to file a separate 42 U.S.C. § 1983 action in the United States District Court for the Northern District of Alabama.

6. Plaintiff's request for class certification is DENIED.

7. Plaintiff's request for a preliminary injunction is DENIED.

DONE this the 15th day of April, 2010.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE