

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

THOMAS NEAL LYNN, JR.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:10-cv-142-TMH
)	
)	
UNITED STATES, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

The Magistrate Judge entered a Recommendation (Doc. #5) in this case, to which the Plaintiff filed Objections (Doc. #6) concerning the Magistrate Judge’s construction of Plaintiff’s claims. Based on Plaintiff’s objections, the Magistrate Judge entered a Supplemental Recommendation (Doc. #7) to which no timely objections have been filed. After a review of the Recommendation and Supplemental Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation, as supplemented, should be adopted. Accordingly, it is

ORDERED that the RECOMMENDATION (Doc. #5) and SUPPLEMENTAL RECOMMENDATION (Doc. #7) of the Magistrate Judge are ADOPTED. It is further

ORDERED as follows:

1. To the extent Plaintiff brings a *Bivens* action for alleged constitutional violations, such claims are DISMISSED with prejudice, prior to service of

process, pursuant to the provisions of 28 U.S.C. § 1915(A)(b)(1), as the complaint was not filed within the time prescribed by the applicable period of limitations;

2. to the extent Plaintiff seeks to assert claims under the Federal Tort Claims Act, his complaint is DISMISSED with prejudice, prior to service of process, pursuant to the provisions of 28 U.S.C. § 1915(A)(b)(1), as this Court lacks jurisdiction over the complaint; and
3. this case is DISMISSED, prior to service of process, pursuant to 28 U.S.C. § 1915(A)(b)(1).

A separate judgment shall issue.

Done this 16th day of September, 2010.

/s/ Truman M. Hobbs

UNITED STATES DISTRICT JUDGE