

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

ANTONIO MARQUIS KNIGHT,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:10cv211-TMH
)	
SHERIFF D. T. MARSHALL, et al.,)	
)	
Defendants.)	

ORDER AND OPINION

On March 15, 2010, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 4). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED that the Recommendation of the Magistrate Judge be and is hereby ADOPTED and that:

1. The §1983 claims presented against Defendant Price are DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(I) & (iii);
2. Plaintiff’s challenge to the constitutionality of his current incarceration is DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as such claim is not properly before the court at this time; and
3. This case is DISMISSED prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(I)-(iii).

Done this the 7th day of April, 2010.

/s/ Truman M. Hobbs

SENIOR UNITED STATES DISTRICT JUDGE