

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

YAHRONNE McNEMERE,)
)
 Plaintiff,)
)
 v.)
)
 STATE OF ALABAMA, *et al.*,)
)
 Defendants.)

CASE NO. 2:10-cv-345-TMH

ORDER

The Magistrate Judge entered a Recommendation (Doc. #4) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

ORDERED that the RECOMMENDATION (Doc. #4) of the Magistrate Judge is ADOPTED. It is further

ORDERED as follows:

1. The § 1983 claims presented against Defendants State of Alabama and Judge Hendley are DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) and (iii);

2. Plaintiff’s § 1983 claims against Defendants Baptist Health Hospital, the Governor of Alabama, and Mayor Todd Strange are DISMISSED without prejudice pursuant to 28

U.S.C. § 1915(e)(2)(B)(ii);

3. Plaintiff's challenge to the constitutionality of his current detention 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

4. 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).

A separate judgment shall issue.

Done this 25th day of May, 2010.

/s/ Truman M. Hobbs

UNITED STATES DISTRICT JUDGE