

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

RICHARD BARKER FREENEY,	)	
AIS #270785,	)	
	)	
Plaintiff,	)	
	)	
v.	)	2:10-CV-346-ID
	)	WO
JUDGE CHARLES PRICE,	)	
	)	
Defendant.	)	

**ORDER**

On May 4, 2010, the Magistrate Judge filed a Recommendation (Doc. 4) 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 ORDERED that:

1. The Recommendation (Doc. 4) of the Magistrate Judge is ADOPTED;
  2. The plaintiff’s claims against Judge Charles Price be DISMISSED with prejudice under the directives of 28 U.S.C. § 1915(e)(2)(B)(i), (ii) and (iii);
  3. The plaintiff’s challenge to the constitutionality of the conviction and sentence imposed upon him by the Circuit Court of Montgomery County, Alabama be DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as such claims are not properly before the court at this time;
- and

4. This case be DISMISSED prior to service of process as required by the directives of 28 U.S.C. § 1915(e)(2)(B)(i), (ii) and (iii).

Done this 25<sup>th</sup> day of May, 2010.

/s/ Ira DeMent  
SENIOR UNITED STATES DISTRICT JUDGE