

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

SHAUNDRE EUGENE WHITE,)
AIS#249611,)
)
Plaintiff,)
)
v.)
)
ANNE MAGRUDER, et al.,)
)
Defendants.)

CIVIL ACTION NO. 2:10cv884-ID

ORDER AND OPINION

On November 3, 2010, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. No. 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 plaintiff's claim against Anne Magruder and Francis Magruder is DISMISSED with prejudice prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(I).

2. The plaintiff's challenge to the constitutionality of the conviction and sentence imposed upon him by the Circuit Court of Montgomery County, Alabama for theft of

property is DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(3)(2)(B)(ii) as such claims are not properly brought before the court at this time.

Done this the 29th day of November, 2010.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE