

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

GLEN I. TAYLOR, #127 254)	
)	
Plaintiff,)	
)	2:10-CV-1057-ID
v.)	
)	(WO)
JUDGE BURT SMITHART, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Before the court are the Recommendation of the Magistrate Judge, (Doc. #5), the Supplemental Recommendation of the Magistrate Judge, (Doc. #7), and the Plaintiff’s objections to those recommendations, (Docs. #6 and #8). Having conducted a *de novo* determination of those portions of the Magistrate’s recommendations to which objections are made, it is CONSIDERED and ORDERED as follows:

1. Petitioner’s objections (Docs. #6 and #8) be and the same are hereby OVERRULED;
2. The recommendations of the Magistrate Judge (Docs. #5 and #7) be and the same are hereby ADOPTED, APPROVED and AFFIRMED;
3. Plaintiff’s 42 U.S.C. § 1983 complaint against the named defendants be and the same is hereby DISMISSED with prejudice in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i)-(iii);

4. Plaintiff's challenge to the constitutionality of his current incarceration be and the same is hereby DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) because that claim is not properly before the Court at this time;
5. Plaintiff's complaint, to the extent it may be construed as a writ of mandamus, be and the same is hereby DISMISSED for lack of jurisdiction;
6. Plaintiff's action, to the extent it is considered a complaint for declaratory judgment pursuant to 28 U.S.C. § 2201 and Rule 57 of the Federal Rules of Civil Procedure, be and the same is hereby DENIED pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i)-(ii) and DISMISSED prior to service of process; and
7. This case be and the same is hereby 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 30th day of March, 2011.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE