

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

D. C. ECHOLS, #165602,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:11cv277-ID
	)	(WO)
STATE OF ALABAMA, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION and ORDER**

On May 25, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. No. 7). 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 as follows that:

1. The Recommendation of the Magistrate Judge be and is hereby ADOPTED;
2. The plaintiff's challenge to the validity of his conviction and/or sentence be and is hereby DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii); and
3. The complaint be and is hereby DISMISSED prior to service of process.

Done this 16<sup>th</sup> day of June, 2011.

/s/ Ira DeMent  
SENIOR UNITED STATES DISTRICT JUDGE