

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

JAMES MERRILL, JR., #172689,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIV. ACT. NO. 2:11cv505-MEF
	)	
J.C. WEST, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On July 11, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 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 as follows that:

1. The Recommendation of the Magistrate Judge be and is hereby ADOPTED.
2. The plaintiff's claims against the Eufaula Police Department be and are hereby DISMISSED with prejudice pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(i) as they provide no basis for relief under the provisions of 42 U.S.C. § 1983.
3. To the extent that the plaintiff presents claims challenging the constitutionality of the controlled substance conviction imposed upon by the Circuit Court of Barbour County, Alabama, these claims be and are hereby DISMISSED without prejudice pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(ii).

4. This case be and is hereby DISMISSED prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

Done this the 17<sup>th</sup> day of August 2011.

/s/ Mark E. Fuller  
UNITED STATES DISTRICT JUDGE