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

JASON E. ROGERS, #254 032,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:11-cv-533-TMH
	)	WO
STATE OF ALABAMA,	)	
	)	
Defendant.	)	

O R D E R

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #5) to the Recommendation of the Magistrate Judge filed on July 21, 2011 is overruled;

2. The Recommendation of the Magistrate Judge (Doc. #4) filed on July 12, 2011 is adopted;

3. Plaintiff's petition for writ of mandamus against Defendant State of Alabama is DISMISSED as the Court lacks jurisdiction to grant the requested relief.

4. To the extent Plaintiff seeks to challenge the validity of his conviction and/or sentence, this action is DISMISSED without prejudice; *see* 28 U.S.C. § 1915(e)(2)(B)(ii).

5. The petition is DISMISSED prior to service of process.

DONE this the 14th day of September, 2011.

/s/ Truman M. Hobbs
SENIOR UNITED STATES DISTRICT JUDGE

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