

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

RAUL MARIANO DEL TORO,

Plaintiff,

v.

DENNIS MEEKS, et al.,

Defendants.

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CIVIL ACTION NO. 2:11-CV-648-TMH  
[WO]

**O R D E R**

The Magistrate Judge entered a Recommendation (Doc. #9) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

ORDERED that

1. The Recommendation (Doc. #9) of the Magistrate Judge is ADOPTED;
2. Plaintiff’s claims against Roger Powell are DISMISSED with prejudice prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i);
3. Plaintiff’s challenges to the criminal charge(s) pending against him before the Circuit Court of Covington County, Alabama and an order entered in the state criminal case are dismissed without prejudice pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(ii) as such claims are not properly before the court at this

time; and

3. This case, with respect to Plaintiff's claims challenging the conditions of confinement at the Covington County Jail lodged against Defendants Meeks and Hughes, be referred back to the Magistrate Judge for further appropriate proceedings.

Done this 28th day of September, 2011.

/s/ Truman M. Hobbs

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UNITED STATES DISTRICT JUDGE