

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

JULIUS MARKS, #191094,)	
)	
Plaintiff,)	
)	
v.)	CIV. ACT. NO. 2:11cv865-TMH
)	(WO)
CHARLES PRICE, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION and ORDER

On December 1, 2011, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 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:

1. That the Recommendation of the Magistrate Judge be and is hereby ADOPTED;
2. That the plaintiff's § 1983 claims presented against Defendants Price and Kidd be and are hereby DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) & (iii);
3. That the Plaintiff's challenge to the constitutionality of the conviction and sentence imposed upon him by the Circuit Court of Montgomery County, Alabama, be and is hereby DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. §

1915(e)(2)(B)(ii) as such claims are not properly before the court at this time.

4. That this case be and is hereby DISMISSED prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i)-(iii).

Done this the 21st day of December, 2011.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE