

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

|                                |   |                          |
|--------------------------------|---|--------------------------|
| JAMES CALVIN FRAZIER, #177281, | ) |                          |
|                                | ) |                          |
| Plaintiff,                     | ) |                          |
| v.                             | ) | CASE NO. 2:12-cv-155-TMH |
|                                | ) | WO                       |
| BEN A. FULLER,                 | ) |                          |
|                                | ) |                          |
| Defendant.                     | ) |                          |

**ORDER**

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

1. The plaintiff's objection (Doc. #7) to the Recommendation of the Magistrate Judge filed on March 8, 2012 is overruled;

2. The Recommendation of the Magistrate Judge (Doc. #6) filed on February 23, 2012 is adopted;

3. Plaintiff's challenges to the constitutionality of orders issued and/or actions taken by Judge Ben Fuller on petitions/motions litigated in the Circuit Court of Autauga County, Alabama is DISMISSED with prejudice prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

4. Plaintiff's claims challenging the constitutionality of the conviction and sentence imposed upon him by the Circuit Court of Autauga County, Alabama for second degree theft of property is summarily dismissed pursuant to the provisions of 28 U.S.C. §

1915(e)(2)(B)(ii).

5. This case is DISMISSED prior to service of process.

DONE this the 15th day of March, 2012.

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