

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

OSCAR L. BOYKIN and
ANNETTE HOLT,

Plaintiffs,

v.

JUDGE TRUMAN HOBBS,
Montgomery County Circuit Court,

Defendant.

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CIVIL ACTION NO. 2:12cv167-MHT

ORDER AND OPINION

On March 8, 2012, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 7). Upon an independent and de novo review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED and ADJUDGED that the Recommendation is adopted and that:

1. plaintiffs’ claims against Judge Hobbs are DISMISSED with prejudice prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B), as plaintiffs may not maintain their claims for injunctive relief against Judge Hobbs under 42 U.S.C. § 1983 and because their amended complaint fails to state actionable claims of “cruel and unusual punishment” or deprivation of procedural due process;

2. to the extent that plaintiffs attempt to assert a § 1983 claim (or any federal claim) against Haardt Family Limited Partnership, Anton Haardt, Slaten & O’Connor, P.C., or Edwards, the claims are DISMISSED without prejudice prior to service of process

pursuant to 28 U.S.C. § 1915(e)(2)(B) as plaintiffs have failed to state a claim upon which relief may be granted; and

3. to the extent plaintiffs assert claims arising under state law against any defendant, the court declines to exercise supplemental jurisdiction over those claims, as they do not allege or suggest an independent basis for the assertion of federal jurisdiction.

Done this the 28th day of March, 2012.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE