

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

LEE ANDREW KENNEDY,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:12-cv-0525-TMH
	)	WO
SAM'S CLUB, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

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

1. The petitioner's objection (Doc. #7) to the Recommendation of the Magistrate Judge filed on July 13, 2012 is overruled;

2. The Recommendation of the Magistrate Judge (Doc. #5) filed on June 22, 2012 is adopted;

3. The plaintiff's claims against Sam's Club, Jeff Young, and the Montgomery Police Department are DISMISSED with prejudice prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i), and Sam's Club, Jeff Young, and the Montgomery Police Department are DISMISSED as defendants in this cause of action.

4. To the extent the plaintiff presents claims challenging the constitutionality of a criminal charge pending against him for theft of property, these claims are DISMISSED without prejudice under the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii).

5. The plaintiff's remaining claims for relief against defendant Jeffery Wayne Solomon alleging he falsely arrested the plaintiff and discriminated against him in making the arrest is referred back to the Magistrate Judge for additional proceedings.

DONE this 28th day of August, 2012.

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