

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

| | | |
|--------------------------|---|------------------------------|
| ADRIAN PURNELL, #228442, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIV. ACT. NO. 2:12cv1045-TMH |
| |) | (WO) |
| STATE OF ALABAMA, |) | |
| |) | |
| Defendant. |) | |

OPINION and ORDER

On December 18, 2012, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 4). 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 that:

1. The Recommendation of the Magistrate Judge be and is hereby ADOPTED;
2. The plaintiff’s § 1983 claims be and are hereby DISMISSED with prejudice prior to service of process under 28 U.S.C. § 1915(e)(2)(B)(i) and (iii);
3. The plaintiff’s challenge to the constitutionality of his conviction and/or sentence under which he is currently incarcerated 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; and
4. This case be and is hereby DISMISSED prior to service of process.

Done this the 30th day of January, 2013

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