

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

WILLIE JAMES HARRIS, JR.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:13-cv-041-TMH
)	[wo]
ELMORE COUNTY D.A. OFFICE, <i>et al</i> ,)	
)	
Defendants.)	

OPINION and ORDER

On January 30, 2012, the Magistrate Judge filed a Recommendation in this case dismissing this case prior to service of process pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(i),(ii) and (iii) to which no timely objections have been filed. (Doc. No. 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 that the Recommendation of the Magistrate Judge be and is hereby ADOPTED, and that the claims in this case be and are hereby DISMISSED *with* prejudice pursuant to 28 U.S.C. § 1915 (e)(2)(B)(i),(ii) and (iii), with the exception that Plaintiff’s claim challenging the constitutionality of his current incarceration pursuant to the sentences imposed upon him by the District Court of Elmore County, Alabama be dismissed *without* prejudice pursuant to 28 U.S.C. § 1915 (e)(2)(B)(ii) as such claim is not properly before the court in this cause of action.

Done this the 26th day of February, 2013.

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