

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

ARNULFO ACOSTA, #94381-198,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:13-cv-309-TMH
)	[wo]
J. RANDALL MCNEILL, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION and ORDER

On September 24, 2013, the Magistrate Judge filed a Recommendation in this case dismissing this case with prejudice prior to service of process. Specifically, the Magistrate Judge Recommended that the §1983 claims presented against Defendants McNeill and Elmore County be dismissed with prejudice pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(i) and/or (iii) and that Plaintiff’s challenge to the constitutionality of the conviction and/or sentence imposed upon him by the Circuit Court for Elmore County, Alabama, be dismissed without prejudice pursuant to the provisions of U.S.C. § 1915(e)(2)(B)(ii) as such claims are not properly before the court at this time. (Doc. 9). No timely objections have been filed. 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 presented against Defendants McNeill and Elmore County be dismissed with prejudice pursuant to the directives of 28 U.S.C. §

1915(e)(2)(B)(i) and/or (iii); that Plaintiff's challenge to the constitutionality of the conviction and/or sentence imposed upon him by the Circuit Court for Elmore County, Alabama, be dismissed without prejudice pursuant to the provisions of U.S.C. § 1915(e)(2)(B)(ii) as such claims are not properly before the court at this time ; and that the complaint be dismissed prior to service of process.

Done, this 24th day of October 2013.

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