

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

WARREN MCCOY, #179302,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:13cv627-WHA
)	
BOARD OF PARDONS and PAROLES,)	
et al.,)	
)	
Defendants.)	

ORDER AND OPINION

On September 25, 2013, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 8). 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:

1. The claims against the Board of Pardons and Paroles is DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i).

2. To the extent the plaintiff presents claims which challenge the constitutionality of the revocation of his parole by the Alabama Board of Pardons and Paroles, these claims are DISMISSED pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as such claims are not cognizable in the instant civil action.

3. As the plaintiff's claims against Cynthia Dillard relate to the parole board's decision to revoke parole, Dillard is DISMISSED as a defendant.

4. The plaintiff's claim of excessive force lodged against defendants Armagost, McCune, Forbus, McCurdy and Delgado are referred back to the Magistrate Judge for appropriate proceedings.

DONE this 28th day of October, 2013.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON

SENIOR UNITED STATES DISTRICT JUDGE