

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

MORGAN JEROME BURTON, JR.,)
#185425, a.k.a. Morgan Jerome)
Burton, Jr., El-Bey,)

Plaintiff,)

v.)

CIVIL ACTION NO. 2:13cv680-WHA

PRESIDENT PRO TEMPORE)
SENATORS, CHIEF JUSTICE JUDGES,)
LUTHER STRANGE, ALL)
SIXTY-SEVEN COUNTIES CIRCUIT)
JUDGES, ALL SIXTY-SEVEN)
COUNTIES DISTRICT ATTORNEYS,)
and ALABAMA BD. OF PARDONS)
and PAROLES,)

Defendants.)

ORDER AND OPINION

On February 11, 2014, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 21). 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 presented by Plaintiff under the Federal Tort Claims Act are DISMISSED with prejudice in accordance with 28 U.S.C. § 1915(e)(2)(B)(i).

2. Plaintiff's challenges to the constitutionality of his conviction(s) and resulting

incarceration are DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as these claims are not properly brought before the court in this cause of action.

3. This case is DISMISSED prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

Done this the 5th day of March, 2014.

/s/ W. Harold Albritton
SENIOR UNITED STATES DISTRICT JUDGE