

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

LEON PICKETT, #190703,)
a.k.a., Leon Pickett El-Bey,)
)
Plaintiff,)
)
v.)
)
PRESIDENT PRO TEMPORE)
SENATORS, et al.,)
)
Defendants.)

CIVIL ACTION NO. 2:13cv727-WHA

ORDER AND OPINION

On October 24, 2013, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 7). 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 Pickett under the Federal Tort Claims Act are DISMISSED with prejudice pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(i).
2. The plaintiff’s challenges to the constitutionality of his conviction(s) and resulting current incarceration are dismissed without prejudice in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as these claims are not properly 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 14th day of November, 2013.

/s/ W. Harold Albritton

SENIOR UNITED STATES DISTRICT JUDGE