

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

WILLIE HENRY DONALD, #264 601,)
a.k.a. Willie Henry Donald El-Bey,)

Plaintiff,)

v.)

CIVIL ACTION NO. 2:13cv728-WHA

PRESIDENT PRO TEMPORE)
SENATORS, et al.,)

Defendants.)

ORDER

On October 24, 2013, the Magistrate Judge filed two Recommendations in this case (Docs. #5 and #6), to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendations of the Magistrate Judge, it is hereby

ORDERED and ADJUDGED that the Recommendations of the Magistrate Judge be and they are hereby ADOPTED and that:

1. Plaintiff’s Motion to Certify This Case as a Class Action (Doc. #2) is DENIED.
2. 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).
3. The 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 before the court in this cause of action.

4. 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 14th day of November, 2013.

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