

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

BILL LIETZKE,)	
)	
Plaintiff,)	
)	
v.)	CIV. ACT. NO. 2:13cv849-MHT
)	(WO)
CITY OF MONTGOMERY, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION AND ORDER

On December 20, 2013, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent and de novo review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED and ADJUDGED as follows:

1. The recommendation of the magistrate judge (doc. no. 11) is adopted.
2. Pursuant to 28 U.S.C. § 1915(e)(2)(B),
 - (a) counts one, two, three, and five of the amended complaint are dismissed with prejudice as frivolous and for failure to state a claim upon which relief can be granted; and
 - (b) all claims in count four of the amended complaint that arise from incidents that occurred on June 19, 2008, July 14, 2008, November 8, 2008, December 23, 2008, January 27, 2009, May 27, 2009, August 20, 2009, October 19, 2009, January 3, 2010, February 1, 2010, August 16, 2010, April 10, 2011, June 12, 2011, July 12, 2011, and September 2, 2011, are dismissed with

prejudice as frivolous and for failure to state a claim upon which relief can be granted.

3. Any and all claims founded on injuries to “the 527 South Perry real estate employees” are dismissed for lack of jurisdiction.

4. This case, with regard to the plaintiff’s claims contained in count four of the amended complaint, which is labeled “constitutional rights violations” and which arise out of incidents that allegedly occurred on June 10, 2012, June 20, 2012, December 28, 2012, August 18, 2013, and October 2, 2013, is referred back to the magistrate judge for further proceedings.

Done this the 13th day of February, 2014.

/s/ Myron H. Thompson
SENIOR UNITED STATES DISTRICT JUDGE