Twyman v. Thomas et al (INMATE 1) Doc. 11

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

ROBERT TWYMAN, JR., #147435,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:14-CV-10-TMH
	)	[WO]
	)	
KIM TOBIAS THOMAS, et al.,	)	
	)	
Defendants.	)	

ORDER ON MOTION

Upon consideration of the motion to proceed with complaint filed by the plaintiff on March 13, 2014 (Doc. No. 7), and as this case was previously dismissed for the plaintiff's failure to pay the $350 filing fee upon initiation of the case as required by the provisions of 28 U.S.C. § 1915(g), it is

ORDERED that the motion to proceed with complaint be and is hereby DENIED.[1]

Done this 14th day of March, 2014.

/s/ Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE

[1] In dismissing the case, the court advised Twyman that his claims did not appear to entitle him to relief as state law governs credit allowed on a sentence for time served on parole and such law forbade him credit from the 1998 declaration of delinquency by the Alabama Board of Pardons and Paroles until his rearrest as a delinquent parolee in March of 2004. *Recommendation of the Magistrate Judge - Doc. No. 3* at 2, n.2. The court further advised Twyman that "even were he to submit the requisite filing fee, well established law would prohibit this court from considering challenges to the duration of his confinement in this 42 U.S.C. § 1983 [action] as habeas corpus is the exclusive remedy for such claims." *Id*. at 4, n.4.

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