

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

CHRISTOPHER W. GUTHRIE,)	
# 249 236,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:14-CV-716-WKW
)	
ALABAMA BOARD OF)	
PARDONS AND PAROLES, <i>et</i>)	
<i>al.</i> ,)	
)	
Defendants.)	

ORDER

On October 1, 2014, the Magistrate Judge filed a Recommendation (Doc. # 3) to which Plaintiff timely filed objections (Doc. # 5). Based upon an independent and *de novo* review of those portions of the Recommendation to which objection is made, *see* 28 U.S.C. § 636(b), it is ORDERED as follows:

- (1) The objections (Doc. # 5) are overruled;
- (2) the Recommendation (Doc. # 3) is ADOPTED;
- (3) the § 1983 claims against Defendants are DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2)(B)(i), (ii) and/or (iii);
- (4) Plaintiff's challenge to the constitutionality of the convictions and sentence imposed upon him by the Circuit Court for Tallapoosa County, Alabama,

is DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii) as these claims are not properly before the court at this time; and

(5) because a prior Order permitted Plaintiff to amend his complaint (Doc. # 7) after the entry of the Recommendation, this action is REFERRED back to the Magistrate Judge for additional proceedings.

DONE this 12th day of November, 2014.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE