

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

JOHN LANKSTON ANDERSON, JR.,)	
)	
Plaintiff,)	
v.)	CASE NO. 2:14-cv-950-WKW
)	WO
ALABAMA DEPARTMENT OF)	
CORRECTIONS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On September 29, 2014, the Magistrate Judge filed a Recommendation (Doc. #4) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The Recommendation of the Magistrate Judge is ADOPTED.
2. To the extent that plaintiff seeks a judgment finding the defendants to have violated 18 U.S.C. §§ 241 and 242, this claim for relief is DISMISSED without prejudice as plaintiff lacks Article III standing to pursue it.
3. Plaintiff’s claims against the unidentified “**Et Al**” defendants are DISMISSED with prejudice, as these are fictitious parties.
4. Plaintiff’s claims against the Alabama Department of Corrections, the Arkansas Department of Corrections, and all of the official-capacity “Jane Doe” and “John Doe” defendants are DISMISSED with prejudice prior to service of process under 28 U.S.C. § 1915(e)(2)(B), due to the Eleventh Amendment immunity of these defendants.

5. Plaintiff's individual capacity claims for damages against the "Jane Doe" and "John Doe" defendants identified as the "District Attorneys" for the Alabama counties of Franklin and Walker and for Miller County, Arkansas, arising from their conduct in connection with judicial proceedings (including probation revocation proceedings) as advocates for their respective states are DISMISSED with prejudice as barred by absolute prosecutorial immunity.

6. Plaintiff's individual capacity claims against the "Jane Doe" and "John Doe" defendants identified as the Commissioners of the Alabama and Arkansas corrections departments and his individual capacity claims for injunctive and declaratory relief against the "District Attorneys" for the Alabama counties of Franklin and Walker and for Miller County, Arkansas, are DISMISSED without prejudice prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B), for failure to state a claim upon which relief may be granted.

7. This action is referred back to the Magistrate Judge for entry of an order allowing plaintiff the opportunity to move for leave to amend his complaint to re-plead the individual capacity claims identified in paragraph (6) above.¹

DONE this 21st day of October, 2014.

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

¹ In recommending that plaintiff be allowed an opportunity to move for leave to amend as to the individual-capacity defendants, the court intends no suggestion that any of these defendants may have violated plaintiff's rights, or even that this court is the appropriate forum to adjudicate plaintiff's claims. While plaintiff's present allegations are too vague and conclusory to state a claim, he may (or may not) be able to allege additional facts that would state an actionable claim against one or more of the defendants. Even if he does so, however, it appears likely that the defendants could raise meritorious challenges to this court's assertion of personal jurisdiction and/or to venue in this district.