

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

| | | |
|---------------------------------|---|--------------------------|
| KENDALL HENDERSON, |) | |
| AIS #218588, |) | |
| |) | |
| Plaintiff, |) | |
| |) | CASE NO. 2:20-CV-381-WKW |
| v. |) | [WO] |
| |) | |
| LEIGH GWATHNEY, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

Before the court is the Recommendation of the Magistrate Judge. (Doc. # 10.) Plaintiff has filed an objection. (Doc. # 12.) Based upon an independent and *de novo* review of those portions of the Recommendation to which objection is made, 28 U.S.C. § 636(b), the court finds that the objection lacks merit. Accordingly, it is ORDERED as follows:

- (1) Plaintiff’s Objection (Doc. # 12) is OVERRULED;
- (2) The Recommendation (Doc. # 10) is ADOPTED;
- (3) Plaintiff’s request for monetary damages against Leigh Gwathney and Clifford Walker is DISMISSED with prejudice under 28 U.S.C. §1915(e)(2)(B)(iii) as Defendants are entitled to sovereign and quasi-judicial immunity from such damages.

(4) Plaintiff's claims challenging the fundamental legality of the revocation of his parole by Defendants are DISMISSED without prejudice under 28 U.S.C. 1915(e)(2)(B)(ii) as such claims currently provide no basis for relief.

(5) Plaintiff's supplemental state law claim is DISMISSED without prejudice to any right Plaintiff may have to present this claim to the state courts, *see* 28 U.S.C. §1367(c).

(6) This action is DISMISSED prior to service of process under 28 U.S.C. 1915(e)(2)(B)(ii) and (iii).

A final judgment will be entered separately.

DONE this 5th day of August, 2020.

/s/ W. Keith Watkins

UNITED STATES DISTRICT JUDGE