

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

DENNIS J. JOHNSON

*

Plaintiff,

*

v.

*

3:07-CV-57-WHA
(WO)

MJR. CARRY TORBERT

*

Defendant.

*

ORDER ON MOTION

Before the court is a pleading filed by Plaintiff captioned as a *Motion for Money to be Reimbursed and Compensable*. He complains that “Defendant Lt. Corey Welch,” froze money in his inmate account in order to cover a work release check that was never reported or turned in. Plaintiff complains that such action is illegal and requests the return of his money as well as damages to compensate him for pain and suffering.

A review of the complaint shows that Lt. Welch is not a defendant to this cause of action. Further, the matter made the subject of the pending motion is unrelated to the allegations contained in the complaint against the sole defendant in the pending case, *i.e.*, Cary Torbert. Thus, the court finds that the instant motion is due to be denied. Plaintiff is free, however, to file a separate civil action challenging the constitutionality of the conduct and/or actions he attributes to Lt. Welch.

Accordingly, it is

ORDERED that the motion for money to be reimbursed and compensable (Doc. No. 5) be and is hereby DENIED.

Done, this 31st day of January 2007.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE

