

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

| | | |
|---------------------------|---|----------------------------|
| REGINALD S. GATES, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | CIVIL ACTION 3:07cv591-WHA |
| |) | |
| |) | |
| AUBURN CITY POLICE COURT, |) | |
| <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

No objections having been filed to the Recommendation of the Magistrate Judge (Doc. # 4), entered on July 6, 2007, the Recommendation is adopted and it is hereby ORDERED as follows:

1. Plaintiff’s Complaint against the Auburn City Police Court and the Lee County Justice Center is DISMISSED with prejudice prior to service of process pursuant to 28 U.S.C. § 1915(e)(2)(B)(i);

2. Plaintiff’s Complaint against Defendant Cobb for verbal abuse and/or harassment is DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i);

3. Plaintiff’s Complaint, insofar as it challenges criminal charges pending against him in state court, is DISMISSED with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i); and

4. This case be referred back to the Magistrate Judge for appropriate proceedings on Plaintiff's claim of excessive force presented in his amended complaint (Doc. No. 5) filed July 18, 2007.

Done, this 7th day of September 2007.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE