

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

WARREN ALFRED ROYEA, JR.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 3:08cv866-TMH
)	(WO)
LEE COUNTY JUDICIAL SYS., <i>et al.</i> ,)	
)	
Defendants.)	

OPINION and ORDER

This litigation is now before the court on the recommendation of the United States Magistrate Judge entered on November 3, 2008, (Doc. # 4), that this case be dismissed. After a review of the recommendation, to which no timely objections have been filed, and after an independent review of the entire record, the court believes that the recommendation should be adopted. Accordingly, it is

ORDERED and ADJUDGED

1. The § 1983 claims presented against the named defendants be and are hereby DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i);

2. Plaintiff’s challenge to the constitutionality of his pending criminal charge be DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as such claim is not properly before the court at this time; and

3. This case be and is hereby DISMISSED prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) & (ii).

An appropriate judgment will be entered.

Done this the 3rd day of December, 2008.

/s/ Truman M. Hobbs

TRUMAN M. HOBBS
SENIOR UNITED STATES DISTRICT JUDGE