Coggins v. Town of Jackson's Gap (MAG+) Doc. 9

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

GENE COGGINS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 3:08-CV-974-WKW
	)	(WO)
TOWN OF JACKSON'S GAP,	)	
	)	
Defendant.	)	

ORDER

On December 12, 2008, the Magistrate Judge filed a Recommendation in this case. (Doc. # 5.) On December 24, 2008, Plaintiff Gene Coggins ("Mr. Coggins") filed a Motion for the Illegal Form, Denying Guaranteed "Due Process of Law" (Doc. # 8), which the court construes as an Objection to the Magistrate Judge's Recommendation. Upon an independent and *de novo* review of those portions of the Recommendation to which objection is made, 28 U.S.C. § 636(b)(1)(C), it is ORDERED as follows:

1. Mr. Coggins's Objection (Doc. # 8) is OVERRULED.

2. The Recommendation (Doc. # 5) is ADOPTED.

3. Mr. Coggins's claims arising from his incarceration and the City's failure to take action to protect Mr. Coggins's property are DISMISSED with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii), as they are frivolous, malicious, and barred by *res judicata*.

Dockets.Justia.com

4. Mr. Coggins's additional claims relating to the recent theft of property and the City's annexation of property are DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

An appropriate judgment will be entered.

DONE this 27th day of January, 2009.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE