

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

PHILLIP ANDREW BEDWELL, II,)	
)	
Plaintiff,)	
)	
v.)	3:09-CV-294-TMH
)	[WO]
)	
JUDGE HAND, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On April 9, 2009, the Magistrate Judge filed a Recommendation (Doc. 4) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation (Doc. 4) of the Magistrate Judge is ADOPTED; and
2. The § 1983 claims presented against Judges Hand and Wilkes be DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) and/or (iii);
3. Plaintiff's challenge to the constitutionality of his municipal court conviction(s) and sentence(s) imposed upon him by the Opelika Municipal Court be DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as such claims are not properly before the court at this time; and

3. This complaint be DISMISSED prior to service of process.

An appropriate judgment will be entered.

Done this 29th day of April, 2009.

/s/ Truman M. Hobbs

SENIOR UNITED STATES DISTRICT JUDGE