

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

LEO DANIEL LEGER, #258677,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 3:09cv474-ID
)	(WO)
STATE OF ALABAMA,)	
)	
Defendant.)	

OPINION and ORDER

On July 9, 2009, the Magistrate Judge filed a Recommendation 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 which is hereby ADOPTED, it is

ORDERED as follows:

1. That the plaintiff’s complaint against the defendant State of Alabama be and is hereby DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i)-(iii);
2. That the plaintiff’s claims challenging event which occurred prior to May 15, 2007, be and are hereby DISMISSED with prejudice pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(i) as the plaintiff failed to file the complaint with regard to these allegations within the time prescribed by the applicable period of limitations;
3. That the plaintiff’s challenge to the validity of his conviction and/or detention be and is hereby DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii); and

4. That this case be and is hereby DISMISSED prior to service of process.

Done this the 31st day of July, 2009.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE