

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

MARK CEDRIC BASS, SR.,)	
)	
Plaintiff,)	
)	
v.)	3:11-CV-453-ID
)	(WO)
DISTRICT ATTORNEY,)	
BUSTER LANDREAU)	
)	
Defendant.)	

ORDER

Before the court are the Recommendation of the Magistrate Judge, (Doc. #4), and Plaintiff’s Objection, (Doc. #5). Having conducted a *de novo* determination of those portions of the Recommendation to which objections are made, it is CONSIDERED and ORDERED as follows:

1. Plaintiff’s Objection (Doc. #5) be and the same is hereby OVERRULED;
2. The Recommendation of the Magistrate Judge, (Doc. #4), be and the same is hereby ADOPTED;
3. The § 1983 claims presented against Defendant Landreau be and the same are hereby DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i);
4. Plaintiff’s challenge to the constitutionality of his conviction and/or sentence imposed upon him by the Circuit Court of Russell County,

Alabama, be and the same is hereby DISMISSED without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) because such claims are not properly before the court at this time; and

5. The complaint (Doc. #1) be and the same is hereby DISMISSED prior to service of process.

DONE this the 29th day of July, 2011.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE