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

DEMARIO SHAWN BARNES, #275286,)	
)	
Plaintiff,)	
)	
V.)	CIV. ACT. NO. 3:12cv127-TMH
)	(WO)
JUDGE GEORGE R. GREENE, et al.,)	
)	
Defendants.)	

OPINION and ORDER

On March 20, 2012, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. (Doc. # 4). Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is

ORDERED and ADJUDGED as follows that:

1. The Recommendation of the Magistrate Judge be and is hereby ADOPTED;

2. The plaintiff's claims seeking relief in a pending state civil action be and is hereby DISMISSED with prejudice prior to service of process in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(ii).

3. To the extent the complaint presents claims which challenge the constitutionality of a conviction imposed upon the plaintiff by the Circuit Court of Russell County, Alabama, the complaint be and is hereby 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.

4. This case be dismissed prior to service of process in accordance with the directives of 28 U.S.C. 1915(e)(2)(B)(i) and (ii).

Done this the 13th day of April, 2012.

<u>/s/ Truman M. Hobbs</u> TRUMAN M. HOBBS SENIOR UNITED STATES DISTRICT JUDGE