

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

JOHNNY COWAN, #272014,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 3:12-cv-0898-TMH
	)	WO
ALBERT BULLS, III,	)	
	)	
Defendant.	)	

**ORDER**

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #7) filed on November 8, 2012 to the Recommendation of the Magistrate Judge is overruled;

2. The Recommendation of the Magistrate Judge (Doc. #6) filed on October 30, 2012 is adopted;

3. To the extent that the plaintiff seeks relief under 42 U.S.C. § 1983, the claims against defendant Bulls are dismissed with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i);

4. To the extent that the complaint contains a claim which challenges the constitutionality of a conviction and sentence imposed upon the plaintiff by the Circuit Court of Macon County, Alabama, the claim is dismissed without prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii) as this claim is not properly before the court

at this time;

5. The plaintiff's pendent state law claim is dismissed, as the court deems it inappropriate to exercise supplemental jurisdiction over this claim; and

6. This case is summarily dismissed in accordance with 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

DONE this the 15th day of November, 2012.

*/s/ Truman M. Hobbs*

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TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE