

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

RANDY EUGENE BAILEY, #169804,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 3:13-cv-0671-TMH
	)	WO
MIKE ROGERS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**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. #5) to the Recommendation of the Magistrate Judge filed on November 1, 2013 is overruled;

2. The Recommendation of the Magistrate Judge (Doc. #4) entered on October 24, 2013 is adopted;

3. Plaintiffs claims challenging events which occurred on July 18, 2011, are DISMISSED with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) as Plaintiff failed to file the complaint with regard to these allegations within the time prescribed by the applicable period of limitation.

4. Plaintiff's challenge to the constitutionality of the conviction and sentence under which he is currently incarcerated is 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;

5. This case be DISMISSED prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i)-(ii).

DONE this the 21st day of November, 2013.

/s/ Truman M. Hobbs

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TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE