

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

DARRELL WIMBERLY,)	
)	
Plaintiff,)	
v.)	CASE NO. 3:13-cv-844-TMH
)	
CHARLES EUGENE NESMITH, <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) filed on December 4, 2013 to the Recommendation of the Magistrate Judge is overruled;
2. The Recommendation of the Magistrate Judge (Doc. #4) entered on November 21, 2013 is adopted;
3. The plaintiff's challenge to the constitutionality of his arrest in June of 2011 is dismissed with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) as the plaintiff failed to file the complaint within the time prescribed by the applicable period of limitation;
4. The plaintiff's request for monetary damages against defendants Speakman, Walker, Treese and Abercrombie is summarily dismissed pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(iii);

5. The plaintiff's claims for declaratory and injunctive relief against defendants Speakman and Walker arising from orders issued in criminal proceedings before the state courts of Lee County, Alabama is DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii);

6. The plaintiff's challenges to the criminal charge pending against him before the Circuit Court of Lee County, Alabama is dismissed without prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(ii); and

7. This case is dismissed prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i), (ii) and (iii).

Done this the 14th day of January, 2014.

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