

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

|                           |   |                  |
|---------------------------|---|------------------|
| SILAS MARTIN,             | ) |                  |
|                           | ) |                  |
| Plaintiff,                | ) |                  |
|                           | ) | CIVIL ACTION NO. |
| v.                        | ) | 3:15cv307-MHT    |
|                           | ) | (WO)             |
| AUBURN POLICE DEPARTMENT, | ) |                  |
| et al.,                   | ) |                  |
|                           | ) |                  |
| Defendants.               | ) |                  |

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff, a state inmate, filed this lawsuit complaining that his arrest violated his constitutional rights because it occurred absent a warrant and without probable cause and that his conviction was invalid because of fabricated evidence and false testimony. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that plaintiff's case be summarily dismissed with prejudice to the extent the claims are barred by the statute of limitations and without prejudice as to those claims which challenge

the constitutionality of a state criminal conviction imposed upon the plaintiff. There are no objections to the recommendation. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted.

An appropriate judgment will be entered.

DONE, this the 30th day of June, 2015.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE