

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

DERRICK DEFOE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:21-cv-00244-AMM-HNJ
)	
HARLAN MITCHELL,)	
)	
Defendant.)	

MEMORANDUM OPINION


Plaintiff Derrick Defoe has filed a *pro se* original and amended complaint pursuant to 42 U.S.C. § 1983, alleging violations of his rights under the Constitution or laws of the United States. Doc. 1; Doc. 5. On October 21, 2021, the magistrate judge entered a report recommending Mr. Defoe’s federal claims be dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief can be granted. Doc. 11 at 5. The magistrate judge further recommended that Mr. Defoe’s state law claim for legal malpractice be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3). *Id.* Although the magistrate judge advised Mr. Defoe of his right to file specific written objections within fourteen days, no objections have been received by the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court **ADOPTS** the

magistrate judge's report and **ACCEPTS** his recommendation. Therefore, in accordance with 28 U.S.C. § 1915A(b)(1), Mr. Defoe's federal claims are dismissed without prejudice for failing to state a claim upon which relief can be granted. Additionally, Mr. Defoe's state law claims asserted in the complaint are dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3).

A Final Judgment will be entered.

DONE and **ORDERED** this 18th day of November, 2021.



ANNA M. MANASCO
UNITED STATES DISTRICT JUDGE