

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RAOUL LYNCH,

Plaintiff,

v.

1:13-cv-1195-WSD

**JUDGE CHRISTOPHER S.
BRASHER, et al.,**

Defendants.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge Linda T. Walker's Final Report and Recommendation (R&R) [2].

Plaintiff Raoul Lynch ("Plaintiff") is incarcerated at Hancock State Prison in Sparta, Georgia, and he asserts, *pro se*, an action under 42 U.S.C. § 1983. Plaintiff alleges that the judge, prosecutor, and his defense attorney all failed to recognize that the criminal charges on which he was tried in April 2011, in Fulton County, Georgia, were barred by the statute of limitations. The Magistrate Judge reviewed Plaintiff's complaint under 28 U.S.C. § 1915A to screen actions that are frivolous or malicious or which fail to state a claim or which seek money damages against individuals who are immune from such relief. The Magistrate Judge concluded that Plaintiff's claims are barred because they imply his incarceration is invalid and

did not previously seek to invalidate his convictions. See Wilkinson v. Dotson, 544 U.S. 74, 81–82 (2005). The Magistrate Judge also concluded that Plaintiff failed to assert viable claims under Section 1983 because Judge Brasher and the prosecutor named in this action as a defendant have absolute immunity and the Plaintiff's defense lawyer at trial did not act under color of law. Plaintiff did not file any objections to the Magistrate's R&R.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59; Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982) (*per curiam*).

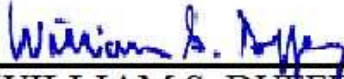
With respect to those findings and recommendations to which a party has not asserted objections, the Court must conduct a plain error review of the record. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983). The Court has reviewed the R&R for plain error, and finding none, adopts it.

Accordingly, for the foregoing reasons,

IT IS HEREBY ORDERED that the Court **ADOPTS** Magistrate Judge Linda T. Walker's Final Report and Recommendation (R&R) [2].

IT IS FURTHER ORDERED that this action is **DISMISSED WITH PREJUDICE**.

SO ORDERED this 27th day of September, 2013.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE