

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

DONNELL FLOURNOY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	1:10cv104-MHT
)	(WO)
SKIP DUFFIE, et al.,)	
)	
Defendants.)	

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff, a state inmate, filed this lawsuit claiming that he was unconstitutionally removed from a county work-release program. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendants' motions for summary judgment should be granted. Also before the court are plaintiff's objections to the recommendation. After an independent and de novo review of the record, the court concludes

that plaintiff's objection should be overruled and the magistrate judge's recommendation adopted.

The court notes that plaintiff introduces in his objections a new basis for his equal-protection claim, a basis that was not presented in his complaint. Specifically, he contends he was discriminated against due to his race (African-American). While his 'conclusory' allegation of an equal-protection violation on this basis is insufficient in and of itself, he claimed in his complaint only that he was discriminated against on the basis of his disabilities. The court found no merit to his discrimination claim on this basis, and his conclusory race claim also lacks merit and is untimely.

Also, the magistrate judge correctly noted in his recommendation that plaintiff had abandoned any allegations he attempted to present in his complaint based on violations of the ADA, the "Handicapped Act," or the "Social Security Act" as his opposition made clear he was litigating his claims regarding a denial of due

process and violations of the equal protection clause due to his disabilities as it concerned the revocation of his probation with the county work release program. To the extent plaintiff argues otherwise, such argument is unavailing in light of the arguments he pursued in his opposition.

An appropriate judgment will be entered.

DONE, this the 3rd day of October, 2012.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE