

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

DARRELL SMEDLEY,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:13-CV-304-WKW
)	
CITY OF OZARK,)	
)	
Defendant.)	

ORDER

Before the court are the Magistrate Judge’s Recommendation (Doc. # 5) and Plaintiff Darrell Smedley’s objection (Doc. # 6). Having independently reviewed the file in this case and conducted a *de novo* review of those portions of the Recommendation to which objection is made, *see* 28 U.S.C. § 636(b), the court finds that the objection lacks merit.

First, Mr. Smedley’s objection to the application of the *Rooker-Feldman* doctrine fails to undermine the Recommendation’s sound reasoning. (*See* Recommendation 3–6); *see also Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005) (explaining that *Rooker-Feldman* applies to “cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments”). Second, with respect to Mr. Smedley’s claim alleging

42 U.S.C. § 1983 municipality liability under a custom and policy theory, Mr. Smedley presents no argument that was not addressed in the Recommendation, and his arguments lack merit for the reasons set forth in the Magistrate Judge's Recommendation. Based on the foregoing, it is ORDERED as follows:

1. Mr. Smedley's objection (Doc. # 6) is OVERRULED;
2. The Recommendation (Doc. # 5) is ADOPTED; and
3. Mr. Smedley's § 1983 claims are DISMISSED pursuant to the directives of 28 U.S.C. § 1915(e)(2)(B)(ii).

An appropriate judgment will be entered.

DONE this 25th day of June, 2013.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE