

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

ALLEN WALTER ROBBINS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:11-CV-567-WKW
	)	
UNITED STATES DEPARTMENT	)	
OF DEFENSE and UNITED STATES	)	
DEPARTMENT OF THE NAVY,	)	
	)	
Defendants.	)	

**ORDER**

On June 28, 2012, the Magistrate Judge filed a Report and Recommendation (Doc. # 20) regarding Defendants’ Motion to Dismiss (Doc. # 13). Plaintiff filed a timely objection. (Doc. # 21.) The court reviews *de novo* the portion of the Recommendation to which the objection applies. 28 U.S.C. § 636(b)(1). For the reasons that follow, the objection is due to be overruled and the Recommendation adopted.

Plaintiff’s objection reiterates that the court should grant him the relief he seeks and asserts that all the allegations in his complaint are true. In the Report and Recommendation, the Magistrate Judge properly accepted the complaint’s allegations as true and construed Plaintiff’s complaint liberally to determine the claims Plaintiff attempted to plead. *See Pielage v. McConnell*, 516 F.3d 1282, 1284 (11th Cir. 2008)

(When evaluating a motion to dismiss pursuant to Rule 12(b)(6), the court must take “the factual allegations in the complaint as true and construe them in the light most favorable to the plaintiff.”); *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)) (“A document filed pro se is ‘to be liberally construed,’ and ‘a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.’”). Even accepting the allegations as true and construing the complaint liberally, the Magistrate Judge found no claim over which the court had jurisdiction or could afford relief. Plaintiff’s objection does not remedy his complaint’s deficiencies.

Accordingly, it is ORDERED that:

1. Plaintiff’s objection (Doc. # 21) is OVERRULED;
2. the Recommendation of the Magistrate Judge (Doc. # 20) is ADOPTED;
3. Defendants’ Motion to Dismiss (Doc. # 13) is GRANTED; and
4. Plaintiff’s claims are DISMISSED without prejudice.

A separate final judgment will be entered.

DONE this 24th day of July, 2012.

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