

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

DWIGHT H. DAVIS, )  
)  
Plaintiff, )  
)  
v. )  
)  
ALABAMA DEPARTMENT OF )  
TRANSPORTATION, as a )  
person under U.S.C. )  
§ 1983; et al., )  
)  
Defendants. )

CIVIL ACTION NO.  
2:16cv583-MHT  
(WO)

JUDGMENT

In accordance with the memorandum opinion entered today, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) The United States Magistrate Judge's recommendation (doc. no. 56) is adopted, with the exception noted in the opinion.

(2) Defendants' motion to dismiss (doc. no. 49), as construed, is granted to the extent that plaintiff's

complaint is dismissed without prejudice.\*

All other pending motions are denied as moot.

It is further ORDERED that costs are taxed against plaintiff, for which execution may issue.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is closed.

DONE, this the 29th day of September, 2017.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE

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\* As plaintiff has not objected to the recommendation or otherwise raised the issue, the court does not address whether the tolling provision of 28 U.S.C. § 1367(d) applies to any of his state-law claims.