

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

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|--------------------------------------|---|-----------------------------------|
| RICKEY LETT, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO.: 2:19-cv-702-ECM |
| |) | (WO) |
| CVS CARE MARK CORP., <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION and ORDER

Now pending before the court is the Report and Recommendation of the Magistrate Judge (doc. 75) which recommends that Defendant APIs’ motion to dismiss (doc. 9) and CVS’s motion for judgment on the pleadings (doc. 45) be granted, the Plaintiff’s motions for Judgment on the merits (docs. 19, 71, and 72) be denied, and this case be dismissed with prejudice. On November 11, 2020, the Plaintiff filed an Objection to the Recommendation (doc. 76) as well as an objection to the order of the Magistrate Judge denying his 15 motions for recusal (doc. 77) and another motion for judgment on the merits (doc. 78).

When a party objects to a Magistrate Judge’s Report and Recommendation, the district court must review the disputed portions *de novo*. 28 U.S.C. § 636(b)(1). The district court “may accept, reject, or modify the recommended disposition; receive further evidence; or resubmit the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). *De novo* review requires that the district court independently consider factual issues based on the record. *Jeffrey S. ex rel. Ernest S. v. State Bd. of Educ.*, 896 F.2d 507, 513 (11th Cir. 1990). However, objections to the Magistrate Judge’s Report and

Recommendation must be sufficiently specific in order to warrant *de novo* review. *See Macort v. Prem, Inc.*, 208 F. App'x 781, 783-85 (11th Cir. 2006). Otherwise, a Report and Recommendation is reviewed for clear error. *Id.*

The Court first addresses Lett's objection to the order of the Magistrate Judge denying his 15 motions for recusal (doc. 77). Pursuant to Fed. R. Civ. P. 72, the Order of the Magistrate Judge is neither clearly erroneous nor contrary to law; the Plaintiff's objection is due to be overruled.

The Court has carefully reviewed the Recommendation of the Magistrate Judge, and the Plaintiff's objections. In his objections, the Plaintiff objects to the dismissal of his complaint without any specificity and without stating the bases for his objections. *See* Doc. 76. While the Plaintiff quotes general legal principles and cites to a variety of authorities, he does not point to any legal error committed by the Magistrate Judge but offers only his conclusory assertions that he is entitled to judgment on the pleadings. (*Id.*). The Plaintiff merely re-offers a recitation of the claims made in his complaint and other pleadings. Consequently, the Recommendation is reviewed for clear error, and the Court finds that the Plaintiff's objections are due to be overruled.

Accordingly, for the reasons as stated and for good cause, it is

ORDERED as follows:

1. the Plaintiff's objections (doc. 76 & 77) are OVERRULED;
2. the Recommendation of the Magistrate Judge (doc. 75) is ADOPTED;
3. Defendant APIs' motion to dismiss (doc. 9) and CVS's motion for judgment on the pleadings (doc. 45) are GRANTED;

4. the Plaintiff's motions for Judgment on the merits (docs. 19, 71, 72, and 78)
are DENIED;

5. this case is DISMISSED with prejudice.

A final judgment will be entered.

DONE this 5th day of January, 2021.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE