

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

BENJAMIN A. HOPPER,)
Plaintiff,)
v.) Case No: 1:12-cv-3653-KOB-JHE
JOHN T. RATHMAN, et. al.,)
Defendants.)

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on February 3, 2015, recommending that this action advancing a claim pursuant to *Bivens v. Six Unknown Named Agent of the Federal Bureau of Investigation*, 402 U.S. 388 (1971), be dismissed under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. (Doc. 15). The plaintiff filed a “Notice of Right to Object” on February 13, 2015 (doc. 16) that the court construes as an objection to the report and recommendation.

In his objection, the plaintiff does not present any real “objection” to the magistrate judge’s report and recommendation. Instead, he simply informs the court that, although he has been released from prison, he “still remains under supervised release or probation.” Moreover, he asks the court to “simply remove his probation period to settle and close his case.” He provides no specific objections to the magistrate judge’s findings of fact or to his application of the law; he states only that he “has stated a claim upon which relief may be granted but has been overlooked again.” (Doc., 16). As such, the court OVERRULES his objections.

The court has carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and what it has construed as the plaintiff’s objection. The court ADOPTS the magistrate judge’s report and ACCEPTS recommendation to dismiss the

Complaint for failure to state a claim upon which relief can be granted. The court finds that, for all of the reasons stated in the magistrate judge's report, the plaintiff's Complaint is due to be dismissed in its entirety for failure to state a claim upon which relief can be granted.

The court will enter a separate Order in conformity with this Memorandum Opinion.

DONE and ORDERED this 25th day of March, 2015.



KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE