

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

REGINALD WOODS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:14-cv-0713-MHH-JHE
)	
UNITED STATES, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION

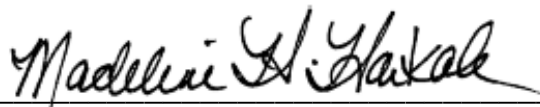
On December 11, 2015, Magistrate Judge John England entered a report and recommendation concerning the defendants’ motion to dismiss. (Doc. 24). In his report, Judge England recommended that the Court grant the defendants’ motion and dismiss without prejudice plaintiff Reginald Woods’s claims pursuant to Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915(e)(2)(B)(ii) for failing to state a claim upon which relief can be granted. (Doc. 24, p. 13). Judge England explained to the parties that they had fourteen days within which to file objections to the recommendation. (Doc. 24, p. 14). Neither party has filed objections.

A district court “may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). When a party objects to a report and recommendation, the district court must

“make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* The Court reviews for plain error the portions of the report or proposed findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993); *see also United States v. Slay*, 714 F.2d 1093, 1095 (11th Cir. 1983) (per curiam), *cert. denied*, 464 U.S. 1050 (1984) (“The failure to object to the magistrate’s findings of fact prohibits an attack on appeal of the factual findings adopted by the district court except on grounds of plain error or manifest injustice.”) (internal citation omitted); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).

The Court has reviewed the record and Magistrate Judge England’s report and recommendation. (Doc. 24). Applying the plain error standard, the Court **ADOPTS** the December 11, 2015 report and **ACCEPTS** Judge England’s recommendation that the Court grant the defendants’ motion to dismiss pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Court will enter a separate order consistent with this memorandum opinion.

DONE and **ORDERED** this January 29, 2016.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE