

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

DRAGO KUELH FERGUSON, JR.,)	
Inmate # 190406)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:15-cv-01695-MHH-TMP
)	
STATE OF ALABAMA, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION

On June 15, 2016, the magistrate judge filed a report in which he recommended that the Court dismiss this action without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief may be granted. (Doc. 9). The magistrate judge advised plaintiff Drago Kuelh Ferguson of his right to file specific written objections within fourteen (14) days. (Doc. 9, pp. 10-11). To date, Mr. Ferguson has not filed objections to the magistrate judge's report and recommendation.

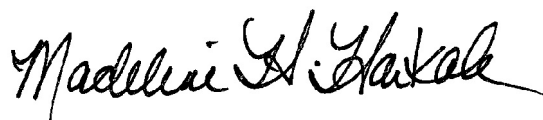
A district court "may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report de novo and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779

n. 9 (11th Cir. 1993); *see also* *LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).¹

Having reviewed the amended complaint (Doc. 8) and the report and recommendation (Doc. 9), the Court finds no misstatements of law in the report and no plain error in the magistrate judge's factual findings. Therefore, the Court adopts the magistrate judge's report and accepts his recommendation.

Accordingly, by separate order, the Court will dismiss Mr. Ferguson's amended complaint without prejudice pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted.

DONE this 30th day of December, 2016.



MADELINE HUGHES HAIKALA
U.S. DISTRICT JUDGE

¹ When a party objects to a report in which a magistrate judge recommends dismissal of the action, a 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.” 28 U.S.C. §§ 636(b)(1)(B)-(C).