

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

SYLVESTER SLAY, JR.,)	
)	
Plaintiff,)	
)	Case No. 1:16-cv-00555-MHH-HNJ
v.)	
)	
TUSCALOOSA COUNTY JAIL, et al.,)	
)	
Defendants.)	

ORDER

On July 10, 2017, the magistrate judge, pursuant to 28 U.S.C. § 1915A(b)(1), entered a report in which he recommended that the Court dismiss without prejudice plaintiff Sylvester Slay’s claims against the Tuscaloosa County Jail and his Fourteenth Amendment due process claims against defendants Bailey, Montgomery, Norris, and Anderson for failing to respond to his grievances. (Doc. 12, pp. 5-6, 9). The magistrate judge also recommended that the Court return to him for additional proceedings Mr. Slay’s Eighth Amendment excessive force claim against defendant Waid; Mr. Slay’s Eighth Amendment deliberate indifference claim against defendant Bobo; and Mr. Slay’s Eighth Amendment conditions of confinement claims against defendant Bailey. (Doc. 12, pp. 6-8). The magistrate judge advised Mr. Slay of his right to file specific written

objections to the recommendation. (Doc. 12, p. 10-11). To date, Mr. Slay 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 The Court finds no misstatements of law in the report and no plain error in the magistrate judge's description of the relevant factual allegations in Mr. Slay's complaint. Therefore, the Court adopts the magistrate judge's report and accepts his recommendation.

Pursuant to 28 U.S.C. § 1915A(b)(1), the Court **DISMISSES WITHOUT PREJUDICE** Mr. Slay's claims against the Tuscaloosa County Jail and his Fourteenth Amendment due process claims against defendants Bailey, Montgomery, Norris, and Anderson for failing to respond to his grievances.

Pursuant to 28 U.S.C. 636(b)(1)(C), the Court returns this case to the magistrate judge for further proceedings on Mr. Slay's Eighth Amendment

¹ When a party objects to a report in which a magistrate judge recommends dismissal of a claim, 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).

excessive force claim against defendant Waid; Mr. Slay's Eighth Amendment deliberate indifference claim against defendant Bobo; and Mr. Slay's Eighth Amendment conditions of confinement claims against defendant Bailey.

DONE and **ORDERED** this October 18, 2017.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE