

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

| | | |
|------------------------------|---|--------------------------------|
| NEVIN GRIGGS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 1:16-cv-00814-VEH-JEO |
| |) | |
| CORIZON HEALTH INC., et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION

The Plaintiff filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 alleging violations of his rights under the Constitution or law of the United States. (Doc. 4). In accordance with the usual practices of this court and 28 U.S.C. § 636(b)(1), the complaint was referred to a magistrate judge for a preliminary report and recommendation. *See McCarthy v. Bronson*, 500 U.S. 136 (1991). The magistrate judge filed a report and recommendation on September 20, 2016, stating, in pertinent part:

the undersigned **RECOMMENDS** this action be **DISMISSED WITHOUT PREJUDICE**, pursuant to 28 U.S.C. § 1915A(b)(1), for failing to state a claim upon which relief can be granted. The undersigned **FURTHER RECOMMENDS** that the plaintiff's state law claims for be **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1367(c).

(Doc. 9 at 9-10) (bold and capitalization in original). The plaintiff has filed

objections to the report and recommendation on October 11, 2016. (Doc. 12-1).

The plaintiff's objections simply restate the factual allegations in his complaint, and he points to no errors of fact or law in the magistrate judge's report and recommendation. (*Id.*). Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and the objections thereto, the magistrate judge's report is hereby **ADOPTED** and the recommendation is **ACCEPTED**. The Court **EXPRESSLY FINDS** that this action should be **DISMISSED WITHOUT PREJUDICE**, pursuant to 28 U.S.C. § 1915A(b)(1), for failing to state a claim upon which relief may be granted. The Court also **EXPRESSLY FINDS** that the Plaintiff's state law claims should be **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1367(c)(3).

A final order will be entered separately.

DONE and **ORDERED** this the 14th day of November, 2016.



VIRGINIA EMERSON HOPKINS
United States District Judge