

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

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|--------------------------------------|---|-----------------------------|
| THOMAS GADDIS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action Number |
| |) | 1:16-cv-1973-AKK-JEO |
| OFFICER MICHAEL YANT, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION

The magistrate judge filed a report on January 30, 2017, recommending this action be dismissed without prejudice for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b). Doc. 10. Thomas Gaddis filed objections to the report and recommendation, stating that the court should hold him to a less stringent standard because of his *pro se* status, that he does not have access to legal resources, does not understand federal laws and procedures, and is limited by his fifth grade level education. Doc. 11 at 3. However, the magistrate judge did not recommend dismissal for alleged failure to adequately litigate his case; rather, the magistrate judge recommended dismissal because of *res judicata*, *i.e.*, that Gaddis previously litigated his claims before a court of competent jurisdiction. *See* doc. 10 at 5–6.

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**. Therefore, in accordance with 28 U.S.C. § 1915A(b), this action is due to be **DISMISSED WITHOUT PREJUDICE** for failing to state a claim upon which relief can be granted. A Final Judgment will be entered.

DONE the 10th day of February, 2017.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE