

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

LEANDER CALHOUN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:17-cv-00261-VEH-TMP
)	
OFFICER KEN SISK, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION

The magistrate judge filed a report on July 25, 2017, recommending this action be dismissed without prejudice for failing to state a claim upon which relief can be granted. (Doc. 11). The plaintiff filed objections to the report and recommendation on August 16, 2017. (Doc. 14). However, the objections are meritless because first they fail to adequately address either of the magistrate judge’s findings that the plaintiff’s claims are subject to dismissal under *Heck v. Humphrey*, 512 U.S. 477 (1994), or alternatively that the plaintiff’s claims are barred by the applicable statute of limitations.

Accordingly, 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)(1), 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 this the 13th day of October, 2017.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written in a cursive style.

VIRGINIA EMERSON HOPKINS
UNITED STATES DISTRICT JUDGE