

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

EARNEST FILES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:17-cv-01632-KOB-HNJ
	)	
JULIAN KING, Talladega Co. Sr.	)	
Circuit Court Judge, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM OF OPINION**

The magistrate judge filed a report on July 31, 2018, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed without prejudice for failing to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b). (Doc. 8). Although the magistrate judge advised the plaintiff of his right to file specific written objections within fourteen days, the plaintiff filed no objections. Instead, the plaintiff filed a third amended complaint without seeking leave of court. (Doc. 11).

The court first construes the amended complaint as objections to the report and recommendation and finds that the objections consist of repetitious claims previously raised in his second amended complaint and its supplement. The court alternatively

construes the amended complaint as a motion for leave to amend the complaint and **DENIES** the motion because of the duplicative nature of the proposed amended complaint and the futility of the claims set out in it.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and the plaintiff's objections, the court **ADOPTS** the magistrate judge's report and **ACCEPTS** his recommendation. 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 may be granted.

The court will enter a separate Final Order.

DONE and ORDERED this 10th day of September, 2018.



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KARON OWEN BOWDRE  
CHIEF UNITED STATES DISTRICT JUDGE