

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

EARNEST JAMES FILES, JR.,)
)
Plaintiff,)
)
v.)
)
JIMMY KILGORE, et al.,)
)
Defendants.)

Case No. 1:17-cv-01881-KOB-HNJ


MEMORANDUM OF OPINION

The magistrate judge filed a report on January 29, 2018, recommending that the court dismiss this action without prejudice pursuant to 28 U.S.C. § 1915A(b)(1), because of the plaintiff's failure to state a claim upon which relief can be granted. (Doc. 11). No party has filed any objections.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court ADOPTS the magistrate judge's report and ACCEPTS his recommendation. In accordance with 28 U.S.C. § 1915A(b)(1), the court finds that this action is due to be dismissed without prejudice for failing to state a claim upon which relief can be granted.

The court will enter a separate Final Order.

DONE and ORDERED this 2nd day of April, 2018.



KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE