

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

PHILLIP HUGH JACKS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:18-cv-00286-VEH-HNJ
)	
RANDY MOELLER, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION

The magistrate judge filed a report and recommendation on March 16, 2018, recommending that 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). The plaintiff was notified of his right to file objections within fourteen (14) days of the report and recommendation (*id.*), and on March 30, 2018, the court received a letter from the plaintiff which is construed as an objection (doc. 11).

The plaintiff objects to the magistrate judge’s finding that he fails to state a claim upon which relief may be granted. (Doc. 12 at 1). The plaintiff seeks to have this court force the state court to act, specifically to either return an indictment against him or dismiss the pending charges. As explained in the report and recommendation, the plaintiff’s remedies lie in the realm of habeas corpus and not under 42 U.S.C. § 1983. (Doc. 10 at 8).

Having carefully reviewed and considered de novo all the materials in the court file, including the report and recommendation, the plaintiff's objections are **OVERRULED**. 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 and **ORDERED** this 10th day of April, 2018.



VIRGINIA EMERSON HOPKINS
United States District Judge