

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

THOMAS GADDIS,

Plaintiff,

v.

THE BAR ASSOCIATION,

Defendant.

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Case No. 1:21-cv-00587-RDP-SGC

MEMORANDUM OPINION

On May 26, 2021, the Magistrate Judge entered a Report and Recommendation recommending the claims asserted by Thomas Gaddis in this action be dismissed. (Doc. 2). The Report and Recommendation noted that while it was unclear whether Gaddis asserted claims under 42 U.S.C. § 1983 or sought habeas relief under 28 U.S.C. § 2254. (*Id.*). Nevertheless, the Magistrate Judge recommended that his claims were subject to dismissal under both statutes. (*Id.*). Gaddis responded by completing and filing a form petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 3). Although his initial pleading named “The Bar Association” as the sole defendant, the more recent filing names Talladega County Sheriff Jimmy Kilgore as the only respondent. (Doc. 3).


Gaddis’s most recent filing clarifies that he seeks habeas relief pursuant to § 2254. However, whether construed as an amended petition or as objections to the Report and Recommendation, Gaddis’s claims are due to be dismissed for the reasons noted in the Report and Recommendation. Specifically, the Magistrate Judge concluded any habeas claims Gaddis asserted were unexhausted in state court. (Doc. 2 at 4-5). Gaddis’s most recent filing confirms the Magistrate Judge’s conclusion in this regard. (*See* Doc. 3 at 2 (noting Gaddis did not challenge

his conviction or sentence via direct appeal); *id.* at 5 (noting Gaddis did not appeal the denial of his state court habeas petition); *id.* at 6-12 (indicating Gaddis did not fully exhaust his federal habeas claims in Alabama courts)). Indeed, the substance of Gaddis's filing largely repeats his conclusory allegations that he has been targeted for kidnapping and murder by a group of corrupt Talladega County officials. (Doc. 3 at 6-9).

After careful consideration of the record in this case, including the Magistrate Judge's Report and Recommendation and Gaddis's June 14, 2021 filing (Doc. 3), the court **ADOPTS** the Report of the Magistrate Judge and **ACCEPTS** her Recommendations. To the extent Gaddis's June 14, 2021 filing can be construed as objections, the objections are **OVERRULED**. (Doc. 3). In accordance with the Recommendation, the court concludes Gaddis's habeas claims are due to be dismissed as unexhausted. Additionally, for the reasons stated by the Magistrate Judge, a certificate of appealability is due to be denied. (*See* Doc. 2 at 8).

A separate order will be entered.

DONE and **ORDERED** this June 21, 2021.


R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE