

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JIMMY RAY MELVIN, )  
)  
Plaintiff )  
)  
vs. )  
)  
OFFICER ELI BRIGHAM, et al., )  
)  
Defendants )

Case No. 2:11-cv-03600-RBP-HGD

**ORDER**

The magistrate judge filed a report and recommendation on June 14, 2012, recommending that all claims in this action, except the excessive force claim against Officer Brigham, be dismissed without prejudice for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). (Doc. 15). It was further recommended that the remaining excessive force claim against Officer Brigham be referred to the magistrate judge for further proceedings. Although the plaintiff was advised of his right to file specific written objections within fourteen days, he has not directly responded to the report and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the

magistrate judge's report is due to be and is hereby ADOPTED and the magistrate judge's recommendation is ACCEPTED. It is therefore **ORDERED** that all claims in this action, except the excessive force claim against Officer Brigham, are DISMISSED WITHOUT PREJUDICE for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). It is further **ORDERED** that the excessive force claim against Officer Brigham is **REFERRED** to the magistrate judge for further proceedings.

DONE this 23<sup>rd</sup> day of August, 2012.

A handwritten signature in black ink, reading "Robert B. Propst". The signature is written in a cursive style with a large initial 'R' and 'P'. Below the signature is a solid horizontal line.

**ROBERT B. PROPST**  
**SENIOR UNITED STATES DISTRICT JUDGE**