

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**RONALD L. WHITWORTH, JR.,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **TERRY LOWERY, et al.,** )  
 )  
 **Defendants.** )

**Case No. 2:12-cv-00236-CLS-HGD**

**MEMORANDUM OPINION**

The magistrate judge filed a report and recommendation on July 20, 2012, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b) because the plaintiff’s claims are barred by the statute of limitations. The plaintiff filed objections to the report and recommendation on August 6, 2012.

The plaintiff objects to the recommendation of the magistrate judge for a variety of reasons, none of which address the fact that his § 1983 claim is barred by the statute of limitations.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and the objections thereto, the court is of the opinion that the magistrate judge’s report is due to be, and it hereby is, **ADOPTED**, and the recommendation is **ACCEPTED**. Accordingly, the complaint is

due to be dismissed pursuant to 28 U.S.C. § 1915A(b) because a claim that is barred by the statute of limitations fails to state a claim upon which relief can be granted. A Final Judgment will be entered.

DONE this 13th day of September, 2012.

  
United States District Judge