

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

CURTIS L. SPARKS, JR.	)	
	)	
Plaintiff,	)	
	)	
vs.	)	2:12-CV-02166-LSC
	)	
DOMINITUE FOXWORTH, et al.,	)	
	)	
Defendants.	)	

MEMORANDUM OF OPINION

Plaintiff, Curtis L. Sparks, Jr., filed a General Complaint Form for Pro Se Litigants (Doc. 1), a Motion to Proceed *In Forma Pauperis* (Doc. 2), and an amendment to the complaint filed pursuant to the court’s direction (Doc. 4). Magistrate Judge John E. Ott filed a report and recommendation (Doc. 5) on July 23, 2012, recommending that Plaintiff’s Motion to Proceed *In Forma Pauperis* (Doc. 2) be granted due to Plaintiff’s indigence, but pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), Plaintiff’s cause be dismissed with prejudice for failure to state a claim. On August 3, 2012, Plaintiff filed objections to the report and recommendation (Doc. 6).

This court has made a de novo determination of those findings and portions objected to by the Plaintiff pursuant to 28 U.S.C. § 636(b)(1).

The Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. In accordance with the recommendation, this action is due to be DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted. A separate Final Judgment will be entered.

Done this 28<sup>th</sup> day of August 2012.

  
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L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE  
160704