

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

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|----------------------------------|---|----------------------|
| DAVID LEE GAINES, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | 2:12-CV-3655-AKK-PWG |
| |) | |
| BRANDON K. FALLS, and JOE |) | |
| L. ROBERTS, |) | |
| |) | |
| Defendants. |) | |

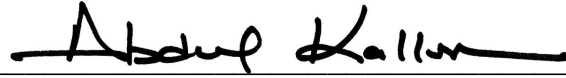
MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on October 25, 2013, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b) for seeking monetary relief from defendants who are immune. Upon filing the report and recommendation, a copy thereof was mailed to plaintiff. However, that copy was returned and marked “RETURN TO SENDER; REFUSED; UNABLE TO FORWARD.” Doc. 11. In an abundance of caution, a second copy of the report and recommendation was mailed to plaintiff, as well as an Order giving him until December 15, 2013 to file any objections. Doc. 12. That copy was returned and marked “MOVED, LEFT NO ADDRESS.” Doc. 13. No objections have been filed by either party.

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

recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b) for seeking monetary relief from defendants who are immune. A Final Judgment will be entered.

DONE the 23rd day of December, 2013.

A handwritten signature in black ink, appearing to read "Abdul Kallon", written over a horizontal line.

ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE