

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

ANDRE LYNELL WALLACE,)

Plaintiff,)

v.)

J. C. HOLLAND, et al.,)

Defendants.)

Case No. 2:13-cv-00722-RDP-HGD

MEMORANDUM OF OPINION

The Magistrate Judge filed a Report and Recommendation on October 9, 2014, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. Specifically, the Magistrate Judge found that Plaintiff had failed to state a claim of interference with access to the courts and noted that, to the extent Plaintiff might have been able to replead his complaint a second time and conceivably state a claim against some of the defendants, this district would not be the proper venue. (Doc. 17).

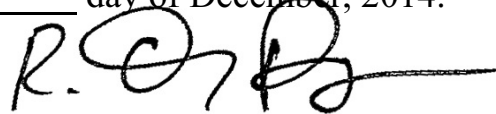
On November 7, 2014, Plaintiff filed objections to the Report and Recommendation. (Doc. 20). Plaintiff objects to the complaint being “denied” due

to “improper venue,” and appears to argue that the court is breaching an unwritten contract because he authorized the payment of the \$350 filing fee for services he did not receive. (*Id.* at 2).

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 is hereby **ADOPTED** and the Recommendation is **ACCEPTED**. Plaintiff was notified that he had failed to set forth his claims adequately and was afforded the opportunity to file an amended complaint. However, in his amended complaint he has failed to allege facts which, if proven, would have demonstrated that he had been deterred from pursuing a non-frivolous post-conviction claim due to the actions of Defendants, and again failed to state a claim.

Accordingly, the complaint is due to be dismissed, without prejudice, pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. It is not being dismissed for improper venue. A Final Judgment will be entered.

DONE and **ORDERED** this 9th day of December, 2014.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE