

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

DAVID BOY FULLER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:14-cv-01908-AKK-TMP
)	
SERGEANT ROBERT DAVIS, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

The magistrate judge filed a report (doc. 58) on October 25, 2017, recommending the plaintiff’s motion for summary judgment (doc. 55) be denied. The magistrate judge further recommended that the defendants’ special reports be construed as motions for summary judgment, and as such, that the motions be granted and the plaintiff’s federal claims dismissed with prejudice. It was also recommended that the court decline to exercise supplemental jurisdiction over any state law claims, and that such claims be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3). Finally, the magistrate judge recommended that defendant Davis’ “Motion to Certify this Lawsuit as Frivolous per PLRA” (doc. 53 at 12) be denied. Although the parties were advised of their right to file specific written objections within fourteen days, no objections have been received by the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the magistrate judge's report is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the court **ORDERS** that the plaintiff's motion for summary judgment (doc. 55) is **DENIED**. It is further **ORDERED** that the defendants' special reports, being construed as motions for summary judgment, are **GRANTED**, and the plaintiff's federal claims are due to be dismissed with prejudice. To the extent the plaintiff asserts state law claims in this action, those claims are due to be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3). Defendant Davis' motion to certify this action as frivolous (doc. 53 at 12) is **DENIED**.

A Final Judgment will be entered.

DONE the 21st day of November, 2017.



ABDUL K. KALLON
UNITED STATES DISTRICT JUDGE