

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

CHARLIE J. WILSON, JR.,)	
)	
Plaintiff ,)	
)	
v.)	Case No. 2:14-cv-02357-WMA-JHE
)	
JIM NEIL PARK, et al.,)	
)	
Defendants.)	

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on October 16, 2015, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief may be granted. (Doc. 15). The plaintiff filed objections to the report and recommendation on October 30, 2015. (Doc. 16).

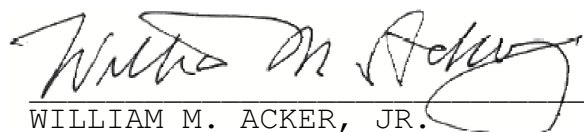
In his objections, the plaintiff argues that his claims are not barred by the applicable statute of limitations. (Doc. 16 at 2-3). The plaintiff contends that he was first made aware of his claims in November 2014, when a law library clerk "brought the facts to his attention." (Doc. 16 at 2). However, the plaintiff claims in his complaint that the prosecution's witnesses made false statements during his trial in October 2009. (Doc. 1 at 11, 14). Additionally, the plaintiff states in his complaint that A & E has televised the episode of the murder investigation since March 2009. (Doc. 1 at 14-15). Thus, the plaintiff knew or should have known by 2009 that his constitutional rights were allegedly violated. See

Calhoun v. Alabama Alcoholic Beverage Control Bd., 705 F.2d 422, 425 (11th Cir. 1983). Nevertheless, even if the plaintiff's claims are not barred by the statute of limitations, the magistrate judge concluded that the plaintiff's claims are due to be dismissed on additional grounds. (Doc. 15 at 5-12).

The plaintiff does not object to the magistrate judge's recommendation that his (1) conspiracy claims; (2) claims against defendants Anderson and Mullens; and (3) state law claims are due to be dismissed. (Doc. 16 at 3, 5, 6). Moreover, the plaintiff merely reasserts his claims against the remaining defendants without any showing that he is entitled to relief. (Doc. 16 at 3-6).

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. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief may be granted. A Final Judgment will be entered.

DONE this 10th day of November, 2015.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE