

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

PAUL JOHNSON, Jr.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:15-cv-1378-WMA-TMP
)	
JAMES BUTLER, et al.,)	
)	
Defendants.)	

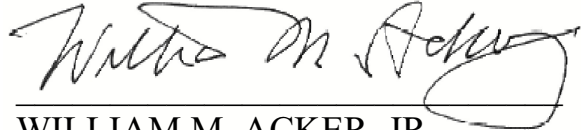
MEMORANDUM OF OPINION

The magistrate judge filed a report on November 18, 2015, recommending that this action be dismissed without prejudice for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). (Doc. 11). The plaintiff filed objections to the report and recommendation on December 4, 2015. (Doc. 12). Upon review of the objections, the court finds them to be without merit. As the magistrate judge noted, the plaintiff's factual assertions do not rise beyond the level of medical malpractice, which is not actionable under § 1983.

Accordingly, 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. Therefore,

in accordance with 28 U.S.C. § 1915A(b)(1), this action is due to be dismissed without prejudice for failing to state a claim upon which relief can be granted. A Final Judgment will be entered contemporaneously herewith.

DATED this 8th day of December, 2015.

A handwritten signature in black ink, appearing to read "William M. Ackers, Jr.", written over a horizontal line.

WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE