

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

MICHAEL NATION,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:19-cv-0378-LSC-JHE
)	
DOUG FARRIS, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION

The magistrate judge filed a report on September 14, 2020, recommending this action be dismissed without prejudice for failing to state a claim upon which relief can be granted and for seeking monetary relief from a defendant who is immune from such relief, pursuant to 28 U.S.C. § 1915A(b). (Doc. 13). The plaintiff has filed objections to the report and recommendation. (Doc. 14).

The plaintiff argues that judicial immunity does not apply in his case because he “only seeks injunctive & declaratory relief from the Defendants (Selman & Farris) in the form of Ordering Keith Nation to reimburse Plaintiff his SSI funds.” (Doc. 14 at 1). Moreover, the plaintiff asserts that Judge Selman and Judge Farris ordered his funds to be garnished without due process. (*Id.* at 3).

The cases cited by the plaintiff in his objections are inapplicable to the facts in this case and/or do not support the plaintiff’s argument. (*Id.* at 2–7). In addition,

the magistrate addressed the same arguments the plaintiff makes in his objections at pages 6–7 of the report and recommendation. (*See* Doc. 13 at 6–7). The court agrees that the plaintiff has failed to show that he does not have an adequate remedy at law. (*Id.*).

Furthermore, the plaintiff’s argument that the State has waived its sovereign immunity is without merit. A law “suit against the State [of Alabama] and its [agencies] is barred by the Eleventh Amendment, unless Alabama has consented to the filing of such a suit.” *Alabama v. Pugh*, 438 U.S. 781, 782 (1978) (citations omitted). No such consent can “be given under Art. I, Sec. 14, of the Alabama Constitution, which provides that ‘the State of Alabama shall never be made a defendant in any court of law or equity.’” *Id.*

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and the objections thereto, the magistrate judge’s report is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Therefore, in accordance with 28 U.S.C. § 1915A(b), this action is due to be dismissed without prejudice for failing to state a claim upon which relief can be granted and for seeking monetary relief from a defendant who is immune from such suit.

A Final Judgment will be entered.

DONE and **ORDERED** on November 6, 2020.

A handwritten signature in black ink, appearing to read 'L. Scott Coddler', written over a horizontal line.

L. Scott Coddler
United States District Judge

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