

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

MICHAEL ANTHONY POWELL,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:21-cv-544-KOB-GMB
)	
CURTIS RIGNY, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION

The magistrate judge entered a report on January 18, 2022, recommending that this action be dismissed with prejudice pursuant to 28 U.S.C. § 1915A(b)(1) because the plaintiff, Michael Anthony Powell, does not have a constitutional right to receive a response to his grievances and his wrongful arrest and imprisonment claims are untimely. (Doc. 23 at 7–10). In the alternative, the magistrate judge recommended that Powell’s claims for wrongful arrest and imprisonment be dismissed without prejudice pursuant to *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1989). (Doc. 23 at 10–11). The magistrate judge also recommended that Powell’s motions to amend (docs. 7 & 19) be denied. (Doc. 23 at 11–12).

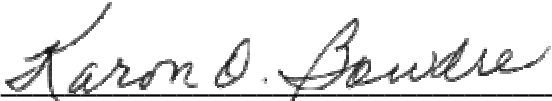
Powell filed a motion for leave to file an amended complaint on January 28, 2022, which the court construes as an objection to the report and recommendation. (Doc. 24). Powell does not address the recommendations of the magistrate judge

but seeks to add “terms, titles, and definitions” and “additional facts” to his complaint. (Doc. 24 at 1). Nothing in Powell’s filing changes the fact that Powell does not have a constitutional right to receive a response to his grievances. (See Doc. 23 at 7–8; Doc. 24). Furthermore, Powell does not acknowledge that his wrongful arrest and imprisonment claims are untimely and, alternatively, are subject to dismissal pursuant to *Heck*. (See Doc. 23 at 8–11; Doc. 24).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and Powell’s objection, the court **ADOPTS** the magistrate judge’s report and **ACCEPTS** the recommendation. The court concludes that this action is due to be dismissed with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). Alternatively, Powell’s wrongful arrest and imprisonment claims are due to be dismissed without prejudice pursuant to *Heck*. Powell’s motions to amend (docs. 7 & 19) are due to be denied as futile.

The court will enter a separate Final Order.

DONE and ORDERED this 15th day of February, 2022.



KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE