

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

TERRILL DUANE MARSHALL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:19-cv-01088-AKK-HNJ
	)	
SUMMER McWHORTER, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION**

The magistrate judge filed a report on May 7, 2020, recommending the court dismiss without prejudice the plaintiff’s federal claims pursuant to 28 U.S.C. § 1915A(b)(1)-(2) 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. Doc. 13. The magistrate judge further recommended that the court dismiss without prejudice the plaintiff’s state law claim pursuant to 28 U.S.C. § 1367(c). *Id.* Although the magistrate judge advised the plaintiff of his 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 court **ADOPTS** the magistrate judge’s report and **ACCEPTS** his recommendation. Therefore, in accordance with 28 U.S.C. § 1915A(b)(1)-(2), the plaintiff’s federal claims are 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 relief. Additionally, because the Eleventh Circuit has “encouraged district courts to dismiss any remaining state claims, when, as here, the federal claims have been dismissed prior to trial,” *Raney v. Allstate Ins. Co.*, 370 F.3d 1086, 1088 (11th Cir. 2004) (citation omitted), the plaintiff’s state law claim is due to be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3).

A Final Judgment will be entered.

**DONE** the 28th day of May, 2020.

  
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**ABDUL K. KALLON**  
UNITED STATES DISTRICT JUDGE