

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

**GAARON VAN BETHEL,**

**Plaintiff,**

**v.**

**WARDEN BETTINA CARTER, et al.,**

**Defendants.**

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**Case No. 5:12-cv-01153-RDP-HGD**

**ORDER**

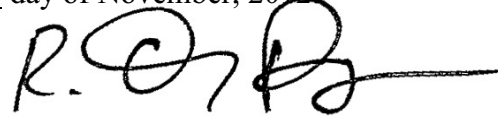
On October 12, 2012, the magistrate judge filed his report and recommendation in the above-styled cause (Doc. #4), recommending that this court dismiss Plaintiff's claims pursuant to 42 U.S.C. § 1983 as failing to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915A(b)(1) and recommending that this court decline to exercise supplemental jurisdiction over Plaintiff's state law claims and dismiss those claims without prejudice. Pursuant to Fed. R. Civ. P. 72(b), Plaintiff objected to the report and recommendation on October 23, 2012. (Doc. #5).

Having now carefully reviewed and considered *de novo* all of the materials in the court file, including the report and recommendation, the court **OVERRULES** Plaintiff's objection and is of the opinion that the report is due to be, and hereby is, **ADOPTED**, and the recommendation is **ACCEPTED**.

It is hereby **ORDERED, ADJUDGED, AND DECREED** that Plaintiff's claims under 42 U.S.C. § 1983 are **DISMISSED WITH PREJUDICE**. Because the court has dismissed all claims over which it has original jurisdiction, it is further **ORDERED, ADJUDGED, AND DECREED** that Plaintiff's state law claims for bad faith, fraud, harassment, and breach of contract are **DISMISSED WITHOUT PREJUDICE**. Plaintiff **MAY** re-file these claims in state court **within**

thirty (30) days of entry of this order. *See* 28 U.S.C. § 1367(d).

**DONE** and **ORDERED** this 27th day of November, 2012

A handwritten signature in black ink, appearing to read "R. David Proctor", written over a horizontal line.

**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE