

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

|                               |   |                                |
|-------------------------------|---|--------------------------------|
| GERALD FERRELL,               | ) |                                |
|                               | ) |                                |
| Plaintiff ,                   | ) |                                |
|                               | ) |                                |
| v.                            | ) | Case No. 5:12-cv-03905-VEH-TMP |
|                               | ) |                                |
| DWAYNE ESTES, <i>et al.</i> , | ) |                                |
|                               | ) |                                |
| Defendants.                   | ) |                                |

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on October 24, 2013, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief may be granted. (Doc. 12.)

Plaintiff filed objections to the report and recommendation on October 31, 2013. (Doc. 13.) Plaintiff’s sole objection to the magistrate judge’s report and recommendation is that he did not consent to the designation of a magistrate judge to his case. (Docs. 10.) He requests that the court “set aside and vacate” the magistrate judge’s report and recommendation. *Id.*

The district court has statutory authority to delegate non-dispositive pretrial matters to a magistrate judge for determination. *See* 28 U.S.C. § 636(b)(1)(A). The district court need not obtain the consent of the parties before assigning these matters

to a magistrate judge. 28 U.S.C. § 636(b)(1)(A)-(C). Therefore, plaintiff's objection to the designation of a magistrate judge to his case (doc. 13) is **OVERRULED**.

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**. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief may be granted. A Final Judgment will be entered.

**DATED** this 8th day of November, 2013.



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**VIRGINIA EMERSON HOPKINS**  
United States District Judge