

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

JAMIE DEWAN JAMES, SR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 5:13-cv-01416-WMA-JHE
	)	
RANDY SUSSMANE, et. al.,	)	
	)	
Defendants.	)	

**MEMORANDUM OF OPINION**

On August 13, 2014, the magistrate judge filed a report and recommendation recommending this action, filed pursuant to 42 U.S.C. § 1983, be dismissed under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted and the state law claims be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c). (Doc. 9). No objections have been filed.<sup>1</sup>

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, 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.

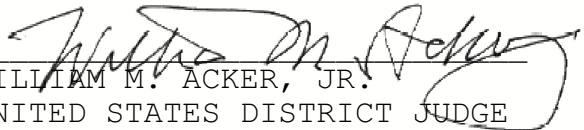
Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted, and the state law claims are due to be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c).

---

<sup>1</sup> The copy of the report and recommendation sent to the plaintiff at the address he provided to the court was returned as undeliverable. (Doc. 10). Because the returned envelope included a new address indicating that plaintiff had been transferred to a different facility, the report and recommendation was resent to that facility. The send copy was also returned as undeliverable. (Doc. 11).

A separate order will be entered.

DONE this 29th day of September 2014.

  
WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE