

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

ERIC DWAIN COLE, )  
)  
Plaintiff )  
)  
vs. )  
)  
SHERIFF MIKE BLAKELY, et al., )  
)  
Defendants )

Case No. 5:13-cv-02007-AKK-HGD

**MEMORANDUM OF OPINION**

The magistrate judge filed a report on April 4, 2014, recommending that this action be dismissed without prejudice for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). (Doc. 10). The plaintiff has not responded to the report and recommendation.<sup>1</sup>

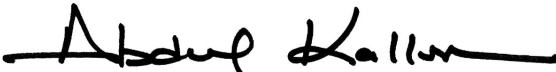
Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge’s report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Therefore, in accordance with 28 U.S.C.

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<sup>1</sup> The copy of the Report and Recommendation mailed to the plaintiff at the Limestone County Jail was returned by the Postal Service as undeliverable, and with a notation that the plaintiff had been released. On the complaint form completed and filed by the plaintiff, he was notified of his responsibility to keep the court informed of any address change.

§ 1915A(b)(1), this action is due to be dismissed without prejudice for failing to state a claim upon which relief can be granted. A Final Judgment will be entered contemporaneously herewith.

DATED this 15th day of May, 2014.

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