

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

ROBERT A. CLEM,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 5:15-cv-01058-MHH-SGC
	)	
LIMESTONE COUNTY, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION**

On March 11, 2016, the magistrate judge filed a report in which she screened plaintiff Robert A. Clem’s *pro se* amended complaint pursuant to 28 U.S.C. § 1915A(b)(1). (Doc. 15). Based on her evaluation of the factual allegations in Mr. Clem’s amended complaint (Doc. 14) and the legal defenses which she anticipated to Mr. Clem’s claims, the magistrate judge recommended that the Court dismiss Mr. Clem’s complaint without prejudice for failure to state a claim upon which relief may be granted. (Doc. 15). The magistrate judge advised Mr. Clem that he had the opportunity to file specific written objections to her report and recommendation within fourteen (14) days, and she explained that failure to object to her factual findings would bar review of those findings “except for plain error.” (Doc. 15, p. 23). The Court has not received written objections

from Mr. Clem. On this record, the Court reviews the magistrate judge's report and recommendation.

A district court "may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report *de novo* and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993); *see also LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).<sup>1</sup>

Having carefully reviewed the amended complaint and the report and recommendation, the Court finds no misstatements of law in the report, and the Court finds no plain error in the magistrate judge's description of the factual allegations in the amended complaint.<sup>2</sup> Therefore, the Court accepts the magistrate judge's recommendation and finds that this action should be dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failing to state a claim upon which relief can be granted.

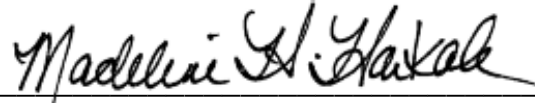
A Final Judgment will be entered.

---

<sup>1</sup> When a party objects to a report in which a magistrate judge recommends dismissal of the action, a district court must "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. §§ 636(b)(1)(B)-(C).

<sup>2</sup> The Court also reviewed Mr. Clem's original complaint. (Doc. 1). Mr. Clem provided additional factual allegations in his amended complaint; he stated the forms of relief that he seeks in his original complaint. (Doc. 1, pp. 5-6; Doc. 14, pp. 9-10).

**DONE** and **ORDERED** this June 30, 2016.

A handwritten signature in black ink, reading "Madeline H. Haikala". The signature is written in a cursive style with a large initial "M".

---

**MADLINE HUGHES HAIKALA**  
**UNITED STATES DISTRICT JUDGE**