

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

DEXTER LEON SPINKS,)	
)	
)	
Plaintiff,)	
)	Case No. 5:15-cv-01580-MHH-SGC
v.)	
)	
JOHNNY W. BAILEY, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION

The magistrate judge entered a report on June 24, 2016, in which she recommended that this action be dismissed for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b). (Doc. 8). Although the magistrate judge advised the plaintiff, Dexter Leon Spinks, of his right to file specific written objections within fourteen (14) days, the Court has received no objections to the magistrate judge’s report.

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).¹

Having carefully reviewed and considered the complaint and the magistrate judge's report, the Court finds no misstatements of law in the report and no plain error in the magistrate judge's description of Mr. Spinks's factual allegations. Therefore, the Court adopts the magistrate judge's recommendation. In accordance with 28 U.S.C. § 1915A(b), the Court will dismiss this action without prejudice for failing to state a claim upon which relief can be granted.

A separate order of final judgment will be entered.

DONE and **ORDERED** this August 31, 2016.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE

¹ 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).