

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

GARY LAVON DAVIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 5:16-cv-01853-VEH-JHE
	)	
ANDREW VANSHOIACK, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM OPINION**

The magistrate judge filed a report on October 2, 2017, recommending this action 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. (Doc.10). Although the magistrate judge advised the plaintiff of his right to file specific written objections within fourteen (14) days, the court has received no objections.<sup>1</sup>

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the magistrate judge’s report is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Therefore, in accordance with

---

<sup>1</sup> The initial mailing of the report and recommendation was returned by the Postal Service as undeliverable. Therefore, a copy of the Report and Recommendation was re-mailed to the plaintiff on October 20, 2017, and it was ordered that he would have fourteen days from that date to submit his objections.

28 U.S.C. § 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.

**DONE** this 13th day of November, 2017.



---

**VIRGINIA EMERSON HOPKINS**  
United States District Judge