

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

JAMES LYNN JOHNSON, JR.,            )  
                                                  )  
                  Plaintiff,                    )  
                                                  )  
v.                                            )  
                                                  )  
SHERIFF MIKE BLAKELY, et al.,        )  
                                                  )  
                  Defendants.                )

Case No. 5:17-cv-00213-VEH-JHE

**MEMORANDUM OPINION**

The magistrate judge filed a report on October 19, 2017, recommending that 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. 16). The magistrate judge further recommended that any state law claims asserted in the complaint be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c). (*Id.*). Although the plaintiff was advised of his right to file specific written objections within fourteen days, he has failed to respond to the report and recommendation.

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 hereby is **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, this action is due to 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).

A Final Judgment will be entered.

**DONE** this the 14th day of November, 2017.



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**VIRGINIA EMERSON HOPKINS**  
United States District Judge