

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

LAVON A. MONTGOMERY, )

Plaintiff, )

v. )

WALKER COUNTY JAIL, )

et al., )

Defendant. )

CASE NO.:

6:15-CV-1294-VEH-JEO

---

**MEMORANDUM OPINION**

The case is before the court on the frivolity determination by the magistrate judge. (Doc. 13.) On October 26, 2015, the magistrate judge filed his Report and Recommendation, doc. 13, and recommended that this action be dismissed without prejudice as frivolous, pursuant to 28 U.S.C. § 1915A(b)(1). The plaintiff has filed no objections to the 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 and Recommendation is

due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. The Court **EXPRESSLY FINDS** that this action is frivolous. Accordingly, this action will be **DISMISSED WITHOUT PREJUDICE**. A Final Judgment Order will be entered.

**DONE** this the 23rd day of November, 2015.



---

**VIRGINIA EMERSON HOPKINS**  
United States District Judge