

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION


JOHN BARKER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 7:12-cv-02443-WMA-TMP
	)	
WARDEN THOMAS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

MEMORANDUM OF OPINION

The magistrate judge filed a report on December 3, 2012, recommending that this action 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). Although the plaintiff was advised of his right to file specific written objections within fifteen 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, 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.

DATED this 2nd day of January, 2013.

  
 WILLIAM M. ACKER, JR.  
 UNITED STATES DISTRICT JUDGE