

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

THOMAS JAMES ROBERTS, )

Plaintiff )

vs. )

Case No. 7:14-cv-01035-WMA-HGD

JUDGE HAROLD HUGHSTON, )

JR., *et al.*, )

Defendants )

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on December 23, 2014, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. (Doc. 22). After filing his twelfth attempt to amend his complaint,<sup>1</sup> which

---

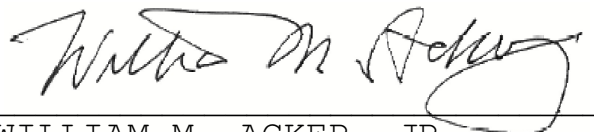
<sup>1</sup> The plaintiff’s initial complaint (Doc. 1) was followed by eight subsequent motions seeking to add, delete, or otherwise modify the claims alleged. (*See* Docs. 3, 7, 8, 9, 10, 11, 12, 13, 14). On August 7, 2014, the plaintiff was ordered to file one final amended complaint. (Doc. 15). The plaintiff complied with that order and filed his final amended complaint. (Doc. 20). After the order had been issued, but before the plaintiff’s final amended complaint was received, several additional motions to amend the complaint were received by the court. (*See* Docs. 16, 17, 18). Thereafter, the second final amended complaint to which the plaintiff apparently is referring, was filed in December of 2014.

was received by this court on December 29, 2014 (Doc. 23), the plaintiff filed objections to the report and recommendation on January 6, 2015. (Doc. 24).

The plaintiff objects to the failure of the magistrate judge to have considered “the contention raised in the amended complaint.” (Doc. 24 at 1). The plaintiff fails, however, to identify what contention in the amended complaint was not addressed in the report and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the court is of the opinion that the objections are due to be and are hereby OVERRULED, the magistrate judge’s report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b) for failing to state a claim upon which relief may be granted. A Final Judgment will be entered.

DONE this 26th day of January, 2015.



---

WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE