

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

| | | |
|---------------------------------|---|------------------------------|
| SERON SMITH, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 7:16-cv-01421-RDP-TMP |
| |) | |
| WILLIAM BENNETT, et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OPINION


The Magistrate Judge filed a report on April 13, 2018, recommending that all federal claims in 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). (Doc. 38). The Magistrate Judge further recommended that all state law negligence claims be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c). (*Id.*). Although the Magistrate Judge advised Plaintiff of his right to file specific written objections within fourteen (14) days, no objections have been received by the court.

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 28 U.S.C. § 1915A(b), all federal claims in this action are due to be dismissed without prejudice for failing to state a claim upon which relief can be

granted. Additionally, Plaintiff's state law negligence claims are due to be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3).

A Final Judgment will be entered.

DONE and **ORDERED** this May 8, 2018.



R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE