

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

ALBERT C. COLLINS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 7:20-cv-00408-LCB-GMB
)	
BIBB COUNTY CORRECTIONS)	
FACILITY,)	
)	
Defendant.)	

MEMORANDUM OPINION

The Magistrate Judge entered a report and recommendation on January 4, 2021, recommending that the Court dismiss this action without prejudice for the plaintiff's failure to prosecute. Doc. 15. On January 22, 2021, the plaintiff filed an objection to the report and recommendation. Doc. 16.

In his objection, the plaintiff alleged that prison officials have withheld his mail. Doc. 16 at 3. In the same breath, however, the plaintiff references the Court's order of November 10, 2020 (Doc. 12), thereby admitting that he has received that order. Moreover, the plaintiff timely filed his objections to the report and recommendation, reinforcing the conclusion that he has been receiving his mail. Doc. 16 at 3.

More importantly, the plaintiff still has failed to file an amended complaint as ordered by the Court on November 10, 2020. Doc. 12. In that order, the Court

permitted the plaintiff to remove Governor Kay Ivey as a defendant and to add as defendants Warden I, Warden II, Warden III, and the Commissioner of ALDOC. Doc. 12 at 1. The Court explained, however, that the complaint still failed to state a claim, even with the addition of the new defendants, and instructed the plaintiff on how to file an amended complaint. Doc. 12 at 4. To date, the plaintiff has failed to file an amended complaint and thus has not cured the deficiencies in his allegations.

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 **ADOPTS** the magistrate judge's report and **ACCEPTS** the recommendation. The Court will dismiss this action without prejudice for the plaintiff's failure to prosecute.

The Court will enter a final order in accordance with this opinion.

DONE and **ORDERED** this February 5, 2021.



LILES C. BURKE
UNITED STATES DISTRICT JUDGE