

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JUSTIN D. JONES, #297490,

Plaintiff,

vs.

CYNTHIA STEWART,

Defendant.

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CIVIL ACT. NO. 1:19-cv-276-TFM-N

MEMORANDUM OPINION AND ORDER

On March 12, 2020, the Magistrate Judge entered a Report and Recommendation (Doc. 12), to which no objections have been filed. After due and proper consideration of the issues raised, the Report and Recommendation is **ADOPTED** as the opinion of the Court. Accordingly, it is **ORDERED** that this action is **DISMISSED without prejudice**, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B(ii)) failure to state a claim upon which relief can be granted.

It is further **ORDERED** that Plaintiff is provided an opportunity to file an amended complaint **no later than May 29, 2020** on the Court's § 1983 complaint form for the purpose of stating a § 1983 claim arising from the incident in the amended complaint. Plaintiff shall not rely on the prior complaints in pleading his amended complaint. All Plaintiff's factual and legal claims shall be included in this amended complaint. The Clerk of Court is **DIRECTED** to send Plaintiff the Court's § 1983 complaint form.

Plaintiff is cautioned that failure to comply will result in the dismissal of this lawsuit. If no amended complaint is filed by the deadline, final judgment pursuant to Fed. R. Civ. P. 58 shall issue at that time.

DONE and ORDERED this 17th day of April, 2020.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE