

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

<b>MICHAEL BURKS, SR.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIV. ACT. NO. 1:22-cv-8-TFM-B</b>
	)	
<b>DEEPSEAFOOD a/k/a DEEP SEA</b>	)	
<b>FOODS, INC., et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM OPINION AND ORDER**

On August 9, 2022, the Magistrate Judge entered a Report and Recommendation which recommends Defendants’ motion to dismiss (Doc. 18) be granted. *See* Doc. 38. Plaintiff timely filed objections. *See* Doc. 40. On September 16, 2022 also filed an additional document which states that because Defendants did not respond to his objection that he should be granted the sum of money requested for damages. *See* Doc. 41. Having reviewed the objections, the Court finds that they are due to be overruled as they do not overcome the well-reasoned analysis of the Magistrate Judge. Further, Plaintiff is simply incorrect in his assertion that a lack of response to his objections means he automatically is due the damages. The Federal Rules of Civil Procedure and local rules for the Southern District of Alabama permit a response to objections, but do not require it.

Therefore, after due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of this Court. Accordingly, the Motion to Dismiss (Doc. 18) is **GRANTED** and the alternative Motion for a More Definite Statement contained within the motion

to dismiss is **DENIED as moot** Plaintiff's claims are **DISMISSED with prejudice**.

Also, pending is a motion to seal documents filed by the Plaintiff. *See* Doc. 10. The plaintiff requests certain medical documents be placed under seal. For good cause shown, it is **ORDERED** that the motion (Doc. 10) is **GRANTED**. The documents filed concurrent with the motion to seal (Doc. 11) shall remain under seal.

A separate judgment will issue pursuant to Fed. R. Civ. P. 58.

**DONE** and **ORDERED** this 8th day of November, 2022.

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