

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

GIOVANNI HERNANDEZ-AGUIR,

Plaintiff,

VS.

STATE OF GEORGIA, et. al.

Defendants.

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NO. 5:12-CV-0334-MTT-MSH

ORDER OF DISMISSAL

Plaintiff **GIOVANNI HERNANDEZ-AGUIR**, a prisoner at the Bibb County Law Enforcement Center in Macon, Georgia, has filed a *pro se* complaint under 42 U.S.C.

1983 and seeks leave to proceed without prepayment of the \$350.00 filing fee or security therefor pursuant to 28 U.S.C. 1915(a).

In his Complaint, Plaintiff alleges that the Bibb County Juvenile Court erred in removing his child from her mother and placing the child in the custody of Georgia Department of Human Services. Plaintiff's Complaint, however, does not allege any constitutional violation or violation of federal law. He thus fails to state a claim under 42 U.S.C. § 1983, and this Court lacks jurisdiction to hear his objections to the custody order, see 28 U.S.C. §§ 1331,1332.

Therefore, after having conducted a preliminary review of Plaintiff's Complaint, as required by 29 U.S.C. 1915A(a), the Court finds Plaintiff has failed to state any claim upon which relief may be granted. Plaintiff's Complaint is **DISMISSED** pursuant to 28 U.S.C. 1915A(b)(1). Leave to proceed *in forma pauperis* is **GRANTED**, but only for the

purpose of this dismissal. Plaintiff's Motion for the Appointment of Counsel is **MOOT**.

SO ORDERED this 27th day of August, 2012

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

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