


**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

MOUSTAPHA BAYO,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	2:11-CV-0286-RWS
WILLIE JOE SCRIPTURE, d/b/a	:	
Southern Restaurant Management,	:	
	:	
Defendant.	:	

ORDER

This case is before the Court for consideration of the Final Report and Recommendation [4] of Magistrate Judge Susan S. Cole. After reviewing the Report and Recommendation and Plaintiff’s Objections [5] thereto, the Report and Recommendation is received with approval and adopted as the Opinion and Order of this Court. The Court finds that Judge Cole properly concluded that Defendant is not a state actor for purposes of a 42 U.S.C. § 1983 action. Therefore, the Court concludes that the Complaint fails to state a claim on which relief may be granted and **ORDERS** that this action be **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2). The Clerk shall close the case.

SO ORDERED, this 28th day of November, 2011.



RICHARD W. STORY
UNITED STATES DISTRICT JUDGE