

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

NICHOLAS MARTIN, )  
Plaintiff, )  
v. ) CV 116-190  
SCOTT WILKES; THE STATE; and )  
CATONGA FLETCHER, )  
Defendants. )

**O R D E R**

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** Plaintiff's complaint for failure to state a claim upon which relief can be granted, and **DIRECTS** the Clerk to **CLOSE** this civil action. If Plaintiff desires to challenge the validity of his July 2005 state conviction, he must file a petition pursuant to 28 U.S.C. § 2254.

SO ORDERED this 28<sup>th</sup> day of March, 2017, at Augusta, Georgia.

  
HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA