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

DWIGHT L. ALLEN,

Plaintiff,

V.

HARRIET SIRMON, Detective,

Defendant.

CIVIL ACTION NO .: CV208-146

ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Plaintiff contends that he filed this cause of action before he was tried and convicted in state court. Plaintiff presumably is asserting that his cause of action does not attack his conviction, and, thus, 42 U.S.C. § 1983 is the proper vehicle under which to have brought his Complaint. Plaintiff avers that, had Defendant followed proper procedures and properly investigated the alleged events of December 12, 2006, it is clear there was no probable cause to arrest him.

Plaintiff's Objections are without merit. Plaintiff's assertions are more appropriately addressed pursuant to 28 U.S.C. § 2254, after he exhausts his state remedies. The Magistrate Judge's Report and Recommendation is adopted as the

opinion of the Court. Defendant's Motion for Summary Judgment is **GRANTED**, and Plaintiff's Complaint is **DISMISSED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this <u>Stay</u> of <u>Septenber</u>, 2010.

HONGRABLE J. RANDAL HALL UNITED STATES DISTRICT JUDGE