

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

STANLEY MONTGOMERY

PLAINTIFF

vs.

CIVIL ACTION NO.: 1:12CV73-SA-SAA

TIM PALMER, et al.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated September 6, 2013, and the September 12, 2013, response thereto, the Court finds as follows:

The plaintiff's response to the Magistrate Judge's Report and Recommendation fails to challenge the Magistrate Judge's findings of fact or conclusions of law. Rather, in his response, the plaintiff complains that the Winston-Choctaw County Regional Correctional Facility refuses to provide him with legal postage, which he needs to mail two complaints to the Court for filing. If the plaintiff wishes to pursue a claim that his right to access the courts is being denied by prison officials, he will need to do so in a separate § 1983 suit. His objections, such as they are, are without merit to the instant action, and the Court finds that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the Court.

It is, therefore, **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated September 6, 2013, is hereby **APPROVED AND ADOPTED** as the opinion of the Court.

2. That the instant case is hereby **DISMISSED** with prejudice for the plaintiff's failure to state a claim upon which relief may be granted.

3. That this case is **CLOSED**.

4. That a final judgment consistent with this Order will enter today.

THIS, the 26th day of September, 2013.

/s/ Sharion Aycok
U.S. DISTRICT JUDGE