

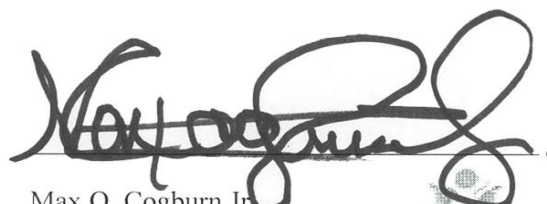
and recommendations.” Id. Moreover, the statute does not on its face require any review at all of issues that are not the subject of an objection. Thomas v. Arn, 474 U.S. 140, 149 (1985); Camby v. Davis, 718 F.2d at 200. Nonetheless, a district judge is responsible for the final determination and outcome of the case, and accordingly the court has conducted a careful review of the magistrate judge’s recommendation.

After such careful review, the court determines that the recommendation of the magistrate judge is fully consistent with and supported by current law as it relates to the original complaint. However, given that the *pro se* plaintiff obtained counsel and filed a second amended complaint shortly thereafter, the interests of justice require the court to deny the Memorandum and Recommendation (#33) without prejudice in order to allow for a response to the newly amended complaint.

ORDER

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation (#33) is **DENIED without prejudice** and plaintiff’s Motion for Leave to Amend Complaint (#34) is **GRANTED**. Defendant shall either answer the Second Amended Complaint (#34-1) within 14 days or move to dismiss it.

Signed: September 26, 2017


Max O. Cogburn Jr.
United States District Judge