

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ROBERT ALLEN SHIRLEY,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. CIV-15-0327-F
	)	
CLEVELAND COUNTY SHERIFF'S	)	
DEPARTMENT and or UNKNOWN	)	
POLICE DEPT.(S),	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff, a state prisoner appearing *pro se* and *in forma pauperis*, brings this action which Magistrate Judge Suzanne Mitchell has construed as an action for damages under 42 U.S.C. § 1983, as stated in her Report in Recommendation (the Report). Doc. no. 11. The Report recommends that this case be dismissed pursuant to 28 U.S.C. §1915A(b) and 1915(e)(2)(B)(ii) for failure to state a § 1983 claim against any defendant upon which relief may be granted.<sup>1</sup> The Report advised the parties of the right to object to the Report and that failure to make timely objection to the Report by May 27, 2015 waives the right to appellate review of both factual and legal matters contained in the Report. No objection has been filed and no extension of time within which to object has been sought.

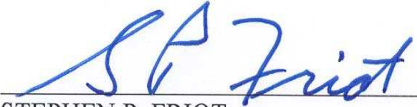
Having conducted its own review and with there being no objection, the Report of Magistrate Judge Mitchell is **ACCEPTED, ADOPTED** and **AFFIRMED**. This

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<sup>1</sup>The Report recommends dismissal under § 1915(e)(2)(B)(2) but the corrected citation is §1915(e)(2)(B)(ii).

action is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915A(b) and 1915(e)(2)(B)(ii), for failure to state a claim.

Dated this 10<sup>th</sup> day of June, 2015.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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