

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

ROBERT ALAN MADDEN,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-16-856-F
)	
ANDY MADDEN; CHRIS)	
GRACE, Deputy Sheriff,)	
McClain County; McCLAIN)	
COUNTY JUDGE, and)	
McCLAIN COUNTY DISTRICT)	
ATTORNEY,)	
)	
Defendants.)	

ORDER


On September 29, 2016, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation, recommending that plaintiff's action be dismissed without prejudice under 28 U.S.C. §§ 1915A(b), 1915(e)(2)(B) for failure to state a claim against any defendant upon which relief may be granted. Magistrate Judge Mitchell advised plaintiff of his right to file an objection to the Report and Recommendation on or before October 19, 2016 and specifically advised plaintiff that failure to file a timely objection waives his right to appellate review of both factual and legal issues therein contained.

Plaintiff has not filed an objection to the Report and Recommendation within the time prescribed by Magistrate Judge Mitchell. With no objection being filed, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation (doc. no. 11) issued by United States Magistrate Judge Suzanne Mitchell on September 29, 2016 is **ACCEPTED**,

ADOPTED and **AFFIRMED**. Plaintiff's action is **DISMISSED WITHOUT PREJUDICE** under 28 U.S.C. §§ 1915A(b), 1915(e)(2)(B) for failure to state a claim against any defendant upon which relief may be granted.

DATED November 2, 2016.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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