

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

| | | |
|--------------------------------|---|----------------------|
| JOHN T. PRICE, |) | |
| |) | |
| Plaintiff , |) | |
| |) | |
| v. |) | 2:09-CV-1891-JHH-JEO |
| |) | |
| OFFICER HUTCHINSON, LIEUTENANT |) | |
| STATON and CAPTAIN KENT, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM OF OPINION

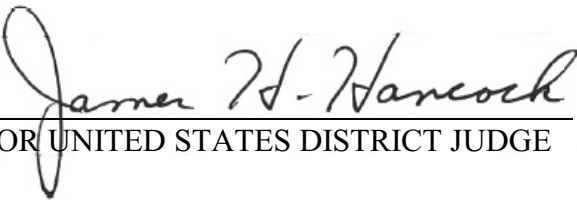
The magistrate judge filed a report and recommendation on January 19, 2010, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b). The plaintiff filed an affidavit on February 1, 2010 which the court will consider as objections to the report and recommendation.

In his affidavit, the plaintiff provides more details of the name calling incident which occurred on the night of July 19, 2009, and was addressed in the report and recommendation. Even though the plaintiff has elaborated on his original complaint, the name calling was between inmates and he does not allege a discriminatory purpose on the part of the defendants for moving him to segregation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b)

for failing to state a claim upon which relief may be granted, or seeking monetary relief from defendants who are immune. A Final Judgment will be entered.

DONE this the 11th day of February, 2010.



SENIOR UNITED STATES DISTRICT JUDGE