

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

THADDEUS D. SMITH, SR.,

Plaintiff,

V.

**DEMETRIA LEWIS, in her Official
Capacity of the Pardon Unit with Board
of Pardons and Paroles,**

Defendant.

CIVIL ACTION 15-0625-WS-B

ORDER

This matter comes before the Court on the Report and Recommendation (doc. 7) dated April 22, 2016. In that Report and Recommendation, the Magistrate Judge recommended that *pro se* plaintiff Thaddeus D. Smith, Sr.'s Complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief can be granted. In so doing, the Report and Recommendation relied on the Complaint's failure to allege that the Alabama Board of Pardons and Paroles had denied Smith's request for restoration of voting rights on the basis of race, or that the decision to deny such request was racially discriminatory or racially motivated.

Notwithstanding this recommendation of dismissal, the Report and Recommendation expressly invited Smith to “file an amended complaint, along with timely objections,” to the extent he maintained he could frame his pleading in a manner that satisfies § 1915(e)(2)(B). Smith proceeded to do exactly that. In an Amended Complaint (doc. 9) filed on May 6, 2016, Smith appears to have corrected the pleading deficiencies referenced in the Report and Recommendation. Accordingly, the Report and Recommendation will not be adopted at this time; rather, this matter is once again **referred** to Magistrate Judge Bivins for appropriate action pursuant to 28 U.S.C. § 636(b)(1)(B) and General Local Rule 72(a)(2)(S), in light of the newly filed Amended Complaint.

DONE and ORDERED this 12th day of May, 2016.

s/ WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE