

conduct does not in itself show a pending case or controversy regarding injunctive relief if unaccompanied by any continuing, present injury or real and immediate threat of repeated injury.” *Cotterall v. Paul*, 755 F.2d 777, 780 (11th Cir. 1985) (citing *Dudley v. Stewart*, 724 F.2d 1493, 1494 (11th Cir. 1984)); *see also Clas v. Torres*, No. 13-11770, 2013 WL 6570584, *2 (11th Cir. Dec. 16, 2013) (noting that cases involving injunctive or declaratory relief are generally mooted by prisoner’s release from custody). To the extent that the sex offender designation harmed Plaintiff while he was in the custody of the Georgia Department of Corrections, Plaintiff had not alleged any facts to suggest continuing harm by such a corrections designation after his release. (See Doc. 1.)

Accordingly, United States Magistrate Judge Thomas Q. Langstaff’s December 12, 2013 Recommendation (Doc. 12) is **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein, together with the reasons stated and conclusions reached herein. Thus, Defendants’ Motion to Dismiss (Doc. 9) is **GRANTED**.

“[W]here a more carefully drafted *pro se* complaint might state a claim the ‘plaintiff must be given at least one chance to amend the complaint before the district court dismisses the action with prejudice.’ ” *See Bettencourt v. Owens*, No. 11-15036, 2013 WL 5450978, *4 (11th Cir. Oct. 2, 2013) (citing *Bank v. Pitt*, 928 F.3d 1108, 1112 (11th Cir. 1991)). The Eleventh Circuit “place[s] a heavy thumb on the scale in favor of” giving *pro se* litigants the opportunity to amend. *Id.* The decision should be made in light of “the purpose of pleading[, which] is to facilitate a proper decision on the merits.” *Id.* (citing *Bank*, 928 F.2d at 1112). Based on the foregoing, the claim against Defendant

is **DISMISSED WITHOUT PREJUDICE** and Plaintiff's Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE.**

SO ORDERED, this 15th day of January 2014.

/s/ W. Louis Sands

W. LOUIS SANDS, JUDGE
UNITED STATES DISTRICT COURT