IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

RAMIRO CANALES   §

VS.   §   CIVIL ACTION NO. 1:20-CV-77

DEMETRIA EDISON, *et al.*,   §

MEMORANDUM OPINION AND ORDER OVERRULING OBJECTIONS
AND ADOPTING REPORT AND RECOMMENDATION

Plaintiff, Ramiro Canales, an inmate confined at the Connally Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendant Michelle Spruell-Smith.

The Court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends Plaintiff's Motion for Default Judgment be denied (docket entry no. 65).
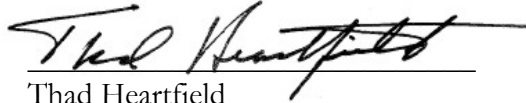
The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the records, and pleadings. Plaintiff filed objections to the Report and Recommendation of United States Magistrate Judge (docket entry no. 69). This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

After a careful review, the Court finds plaintiff's objections lacking in merit. As outlined by the Magistrate Judge, defendant Spruell-Smith timely filed an answer. Failure to timely provide medical records and an authorization is not a basis to support a motion for default judgment. Regardless, plaintiff has reviewed the medical records and provided the authorization so this argument is moot.

<u>ORDER</u>

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions

of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**.

SIGNED this the **27** day of **October, 2020.**

_____

Thad Heartfield
United States District Judge