

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

JAMES BRYANT HENDERSON, III §
VS. § CIVIL ACTION NO. 6:16cv1360
LT. KIMBERLY HARBIN §

MEMORANDUM OPINION ADOPTING THE REPORT
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff James Henderson, III, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. The case was referred to the United States Magistrate Judge, the Honorable John D. Love.

On October 19, 2018, Judge Love issued a Report, (Dkt. #19), recommending that Defendant's motion for summary judgment, (Dkt. #17), be granted and that Henderson's civil rights lawsuit be dismissed with prejudice. A copy of this Report was sent to Henderson at his address, return receipt requested. The docket demonstrates that Henderson received a copy of this Report before October 24, 2018, (Dkt. #20). However, to date, no objections to the Report have been filed and Henderson has not communicated with the Court since July 2017.

Consequently, Henderson is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243

(1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #19), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Defendant's motion for summary judgment, (Dkt. #17), is **GRANTED**. Plaintiff's civil rights lawsuit is **DISMISSED** with prejudice. Finally, it is

ORDERED that any and all motions which may be pending in this case are hereby **DENIED**.

So Ordered and Signed

Jan 7, 2019



Ron Clark, Senior District Judge