

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

LANNY M. BUSH, #1917810

§

VS.

§

CIVIL ACTION NO. 6:17cv541

C.E. MONROE, ET AL.

§

MEMORANDUM OPINION ADOPTING REPORT  
AND RECOMMENDATION OF MAGISTRATE JUDGE

Plaintiff, Lanny Marvin Bush, an inmate confined at the Michael Unit within the Texas Department of Criminal Justice, pro se, filed a complaint under 28 U.S.C. §1983 complaining of alleged violations of his constitutional rights. The lawsuit was referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) as well as the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Bush filed a motion for a preliminary injunction, (Dkt. # 11). He sought to prevent prison officials from “subjecting Plaintiff and minimum custody safe-keeping offenders to harm and injury by allowing general population offenders [] unescorted and unsupervised access to safekeeping living quarters.” Moreover, he requests the Court to force prison officials to “provide some kind of visual aid and physical [separation] barrier between safekeeping offenders and general population offenders.”

On December 4, 2017, the Magistrate Judge issued a Report, (Dkt. # 20), recommending that Bush’s motion for a preliminary injunction be denied because his claims regarding cruel and inhumane conditions at the prison were wholly vague, generalized, speculative, and conclusory. A copy of this Report was sent to Bush at his address; return receipt requested. The docket shows

that Bush received a copy of the Report on December 7, 2017, (Dkt. # 24). However, to date, no objections to the Report have been filed.

Accordingly, Bush 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 Magistrate Judge, (Dkt. # 20), is **ADOPTED** as the opinion of the District Court. Further it is

**ORDERED** that Plaintiff's motion for a preliminary injunction, (Dkt. #11), is **DENIED**.

So **ORDERED** and **SIGNED** this 5 day of **August, 2018**.



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Ron Clark, Senior District Judge