

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TERRY JAMES

Plaintiff,

VS.

WANDA PARISH

Defendant.

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NO. 3:09-CV-1437-D

ORDER

I

On July 26, 2010 the United States Magistrate Judge made his findings and recommendation in this case. Plaintiff filed objections on July 30, 2010, and the court has conducted *de novo* review. After making an independent review of the pleadings, files, and records in this case, and the findings and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct and are therefore adopted. Defendant’s April 30, 2010 motion for summary judgment is granted, and this action is dismissed with prejudice by judgment filed today.

II

On May 3, 2010 defendant filed a motion for Fed. R. Civ. P. 11 sanctions against plaintiff. The court referred the motion to the magistrate judge for determination. On July 26, 2010 the magistrate judge filed a memorandum order denying the motion for Rule 11 sanctions. But he also imposed sanctions under the inherent power of the court, requiring plaintiff to pay \$100 and barring him from filing further lawsuits in federal court without first obtaining permission from a district or magistrate judge. On August 3, 2010 plaintiff filed objections to the magistrate judge’s memorandum order.

The court did not intend by its order of reference to confer on the magistrate judge the authority to impose sanctions outside of what is available under Rule 11 or to authorize the magistrate judge to bar plaintiff from filing further lawsuits in federal court without first obtaining permission from a district or magistrate judge. Accordingly, without suggesting that plaintiff may not face such sanctions in the future, the court sustains plaintiff's objection to the extent that it sets aside the part of the magistrate judge's July 26, 2010 memorandum order that imposes these sanctions. The court adopts the part that denies defendant's May 3, 2010 motion for Rule 11 sanctions.

SO ORDERED.

September 22, 2010.



SIDNEY A. FITZWATER
CHIEF JUDGE