

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

KENNETH LEWIS,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-14-202-D
)	
REESE LANE and STATE OF OKLAHOMA,)	
)	
Defendants.)	

ORDER

Plaintiff Kenneth Lewis, a state pretrial detainee appearing *pro se* and proceeding *in forma pauperis*, brings this hybrid civil rights and habeas corpus action and alleges violations of his constitutional rights. In accordance with 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to United States Magistrate Judge Shon T. Erwin for initial proceedings.

In a Report and Recommendation [Doc. No. 15] issued on July 8, 2014, the Magistrate Judge recommended that Plaintiff’s habeas claims be dismissed without prejudice on abstention grounds due to ongoing state court proceedings.¹ The Magistrate Judge further recommended that Plaintiff’s claims against the State of Oklahoma be dismissed with prejudice on the basis of Eleventh Amendment sovereign immunity and that Plaintiff’s remaining civil rights claims be dismissed without prejudice for failure to state a claim upon which relief may be granted.

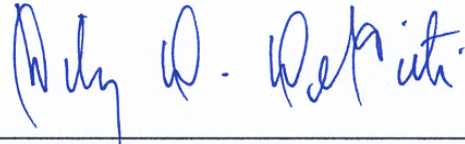
The Magistrate Judge specifically advised Plaintiff of his right to object to the findings and recommendations set forth therein. He further advised Plaintiff that his failure to timely object would constitute a waiver of his right to appellate review of the factual and legal matters in the Report and Recommendation. Plaintiff’s deadline for filing objections was July 25, 2014.

¹The Magistrate Judge inferred from Plaintiff’s allegations that he is a pretrial detainee based on the claims set forth and the relief sought.

To date, Plaintiff has not filed an objection to the Report and Recommendation or sought an extension of time in which to do so. Accordingly, the Court adopts the Report and Recommendation in its entirety.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 15] is ADOPTED in its entirety. Plaintiff's claims against Defendant State of Oklahoma are dismissed with prejudice. Plaintiff's remaining claims are dismissed without prejudice.

IT IS SO ORDERED this 31st day of July, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE