

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

MARGARITA GONZALEZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-14-291-D
	)	
JUSTIN JONES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff, Margarita Gonzalez, a Texas state prisoner appearing with counsel, brings this civil rights action pursuant to 42 U.S.C. § 1983 alleging violations of her federal constitutional rights and also brings supplemental state law claims. In accordance with 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to United States Magistrate Judge Gary Purcell for initial proceedings. In a Supplemental Report and Recommendation [Doc. No. 28] issued on August 25, 2014, the Magistrate Judge recommended granting the motion to dismiss filed by Defendant Jones [Doc. No. 23] and the motion to dismiss filed by Defendant Newton-Embry [Doc. No. 24] pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state claims against them upon which relief may be granted.

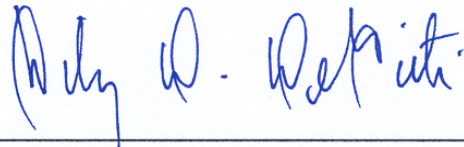
The Magistrate Judge specifically advised the parties of their right to object to the findings and recommendations set forth in the Supplemental Report and Recommendation. He further advised the parties that failure to timely object would constitute a waiver of their right to appellate review of the factual and legal matters in the Report and Recommendation. The parties’ deadline for filing objections was September 15, 2014.

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

IT IS THEREFORE ORDERED that the Supplemental Report and Recommendation [Doc. No. 28] is ADOPTED in its entirety. The Motion to Dismiss of Defendant Jones [Doc. No. 23] and the Motion to Dismiss of Defendant Newton-Embry [Doc. No. 24] are GRANTED pursuant to Fed. R. Civ. P. 12(b)(6) and Plaintiff's cause of action against these Defendants is dismissed without prejudice.

The case shall proceed before Magistrate Judge Purcell pursuant to the initial case referral.

IT IS SO ORDERED this 22<sup>nd</sup> day of September, 2014.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE