

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

BOBBY BURGART,)
Plaintiff,)
vs.) No. CIV-15-445-C
KEVIN O'KEEFE, et al.,)
Defendants.)

ORDER ADOPTING REPORT AND RECOMMENDATION

This civil rights action brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Charles B. Goodwin, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Goodwin entered a Report and Recommendation on October 30, 2015, to which Plaintiff has timely objected. The Court therefore considers the matter de novo.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. In his objection, Plaintiff ignores the bedrock principle that federal court is a court of limited jurisdiction. Neither the status of Plaintiff as a federal detainee or prisoner nor the lack of access to state law materials creates jurisdiction in this Court. For this reason, as well as the conclusions reached by Judge Goodwin, there is simply nothing in Plaintiff's Complaint or subsequent brief that provides a basis for jurisdiction and/or states a claim for relief.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, Plaintiff's complaint is dismissed without prejudice in its entirety. The dismissal of this suit counts as a prior-occasion "strike" for purposes of 28 U.S.C. § 1915(G).

IT IS SO ORDERED this 16th day of December, 2015.



ROBIN J. CAUTHRON
United States District Judge