

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

PEDRO ANTONIO GONZALEZ,)
)
)
Plaintiff,)
)
-vs-) Case No. CIV-17-0949-F
)
STEPHENS COUNTY D.A. OFFICE,)
et al.,)
)
Defendants.)

ORDER

This action is brought by plaintiff Pedro Antonio Gonzalez, a pretrial detainee appearing pro se. The action seeks relief under 42 U.S.C. § 1983. Magistrate Judge Bernard M. Jones filed a Report and Recommendation on September 13, 2017. Doc. no. 5 (the Report). The Report states that the magistrate judge has conducted an initial review of the complaint, and that he recommends dismissal without prejudice under the Younger abstention doctrine. Alternatively, the Report recommends dismissal under 28 U.S.C. § 1915A(b)(1) and (2). If the Report is adopted, then the Report also recommends denial of plaintiff's application to proceed in forma pauperis (doc. no. 3) as moot.

Any objection to the Report was due by October 4, 2017. The Report advises that failure to make timely objection to the Report waives the right to appellate review of the factual and legal issues addressed in the Report. No objection was filed, nor has plaintiff sought an extension of time within which to object.

Having reviewed the Report and the record, the court concurs with the determinations stated in the Report. The court further finds that given the detailed analysis presented in the Report, no additional analysis is necessary here.

Therefore, upon review, and with no objection having been made to the Report, the court **ACCEPTS, AFFIRMS** and **ADOPTS** the Report. This action is hereby **DISMISSED** without prejudice under the Younger abstention doctrine. Alternatively, plaintiff's claims should be dismissed under 28 U.S.C. § 1915A(b)(1) and (2) because the complaint fails to state a claim upon which §1983 relief may be granted and seeks monetary relief from a defendant immune from relief, as set out in more detail in the Report. Finally, as recommended in the Report, plaintiff's application for leave to proceed in forma pauperis (doc. no. 3) is **DENIED** as moot.

IT IS SO ORDERED this 19th day of October, 2017.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE