

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

MARSKA MCDANIEL,

Plaintiff,

versus

PORT ARTHUR POLICE DEPARTMENT,
et al.,

Defendants.

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CIVIL ACTION NO. 1:08-CV-421

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE’S REPORT AND RECOMMENDATION**

Plaintiff Marska McDaniel, formerly an inmate confined in the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983 against the Port Arthur Police Department, Mark Blanton, and Tony Legnon.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed as frivolous and for failing to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge’s recommendation.

SIGNED at Beaumont, Texas, this 6th day of May, 2011.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE