

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

ELMER JAMES BUTZ,

Plaintiff,

versus

GEO GROUP, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:08-CV-515

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

Plaintiff Elmer James Butz, a prisoner previously confined at the Newton County Correctional Facility, proceeding *pro se* and *in forma pauperis*, brought this civil rights action pursuant to 42 U.S.C. § 1983 against the GEO Group and Correctional Officer G. Johnson.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the action pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure 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 order, 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 accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 9th day of March, 2009.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE