

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

GILPATRICK RUFFIN

§

VS.

§

CIVIL ACTION NO. 1:08cv564

JOSEPH SMITH, ET AL.

§

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Gilpatrick Ruffin, an inmate at the Ferguson Unit, proceeding *pro se*, brought the above-styled lawsuit.

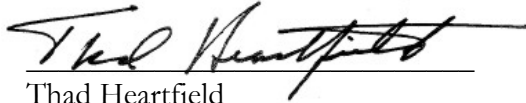
The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends this action be dismissed without prejudice.

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**. Plaintiff may reinstate this action on the court's active docket by filing a notice of his intent to prosecute the action within thirty (30) days from the date of dismissal. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

**SIGNED** this the **24** day of **May, 2010**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield  
United States District Judge