# IN THE UNITED STATES DISTRICT COURT <br> FOR THE EASTERN DISTRICT OF TEXAS <br> BEAUMONT DIVISION 

SCOTT M. MASSEY

VS.

WARDEN ALFORD, ET AL.

MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Scott M. Massey, a prisoner confined at the LeBlanc Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Warden Alford, unit administrators, Director Nathanial Quartermann, Regional Director Madeline Ortiz, and unidentified defendants.

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 has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the case without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1).

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. Plaintiff's motion to dismiss the case is GRANTED. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED this the $\mathbf{2}$ day of March, 2009.


