
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MICHAEL MUENICH,

Plaintiff,

*versus*BRAD LIVINGSTON, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:09-CV-380

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

Plaintiff Michael Muenich, a prisoner confined at the Larry Gist State Jail, proceeding *pro se*, brought this civil rights action pursuant to 42 U.S.C. § 1983 against Brad Livingston and R. Goings.

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 case without prejudice for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

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 this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 24th day of August, 2009.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE