

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

EUGENIO L. RODRIGUEZ,

Petitioner,

versus

G. KROLL, *et al.*,

Respondents.

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CIVIL ACTION NO. 1:09-CV-713

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

Eugenio L. Rodriguez, an inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed the above-styled petition for writ of mandamus.

The court referred this matter to the 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 concerning the petition. The magistrate judge recommends the petition be dismissed without prejudice pursuant to 28 U.S.C. 1915(g).

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the magistrate judge’s Report and Recommendation.

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 dismissing the petition.

SIGNED at Beaumont, Texas, this 4th day of December, 2009.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE