

---



---

**UNITED STATES DISTRICT COURT**
**EASTERN DISTRICT OF TEXAS**


---



---

REAGAN JAMES CALDWELL,

Plaintiff,

*versus*

KYLE HERRINGTON,

Defendant.

 §  
 §  
 §  
 §  
 §  
 §  
 §  
 §  
 §

CIVIL ACTION NO. 1:10-CV-235

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

Plaintiff Reagan James Caldwell, a prisoner confined at the Stiles 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 Kyle Herrington.

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 granting defendant's motion for summary judgment with respect to plaintiff's claim of a false disciplinary charge and denying the motion with respect to the remaining issues.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. The parties filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

**ORDER**

Accordingly, the parties' objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Defendant's motion for summary judgment is **GRANTED** with respect to plaintiff's claim of a false disciplinary charge. In all other respects, the motion for summary judgment is **DENIED**.

SIGNED at Beaumont, Texas, this 28th day of March, 2012.



---

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE