

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

FELICIA A. JOHNSON,
Plaintiff,

v.

OMNI OPTICAL LAB,
Defendant.

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CIVIL ACTION NO. 1:10-CV-522

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

The Court referred this matter to the Honorable Earl Hines, United States Magistrate Judge, for all pretrial matters pursuant to General Order 05-07. Due to Judge Hines’s retirement, the case was transferred to the Honorable Zack Hawthorn, United States Magistrate Judge, for pretrial management. The Court has received and considered the report (Doc. No. 54) of the magistrate judge, who recommends that the Court grant Defendant Omni Optical Lab’s (“Omni Optical”) “Motion for Summary Judgment” (Doc. No. 53) and dismiss this case with prejudice. On November 16, 2012, the Plaintiff, Felicia A. Johnson (“Johnson”), filed an objection to the magistrate judge’s report and recommendation. (Doc. No. 56.) Omni Optical has not filed a response to Johnson’s objection.

A party who files timely written objections to a magistrate judge’s report and recommendation is entitled to a de novo determination of those portions of the report to which the party specifically objects. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(3). “Frivolous, conclusiv[e], or general objections need not be considered by the district court.” *Battle v. United States Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc)). In Johnson’s objection, she does not mention the

magistrate judge's report and recommendation nor identify any specific issue of law or fact, among those set forth in the magistrate judge's report and recommendation, with which she disagrees. Johnson's objection generally requests relief from the Court for the wrongs alleged in her complaint. Therefore, Johnson's objection fails to invoke the Court's authority to review the report and recommendation. Nonetheless, the Court has undertaken a de novo review of the record, and the Court concludes that the magistrate judge's analysis is correct.

Johnson's objection (Doc. No. 56) is **OVERRULED**; the magistrate judge's report and recommendation (Doc. No. 54) is **ADOPTED**; Omni Optical's "Motion for Summary Judgment" (Doc. No. 53) is **GRANTED**; and this lawsuit is **DISMISSED with prejudice**. Final judgment will be entered separately.

SIGNED at Beaumont, Texas, this 6th day of December, 2012.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE