

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

CLIFFORD H. WHEATLEY,

Plaintiff,

versus

LIBERTY COUNTY, TEXAS,

Defendant.

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CIVIL ACTION NO. 1:12-CV-65

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

Plaintiff Clifford H. Wheatley, a prisoner confined at the Liberty County Jail, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Liberty County, Texas.

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 complaint as repetitious of cause number 1:12-CV-59.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff 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. The dismissal of this action is not a ruling on the merits of

plaintiff's claims. Cause number 1:12-CV-59 is still pending, and plaintiff may file any motions in that cause number.

ORDER

Accordingly, plaintiff's 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**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 23rd day of April, 2012.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE