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

CURTIS LEE SHEPPARD,

Plaintiff,

versus

BRIAN COLLIER,

Defendant.

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CIVIL ACTION NO. 1:12-CV-169

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

Plaintiff Curtis Lee Sheppard, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

Defendant Collier has filed a motion to dismiss asking that plaintiff's claim relating to growing a beard be dismissed as moot. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. The magistrate judge recommends the motion to dismiss be granted.

The court has received the Report and Recommendation, 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. After careful consideration, the court is of the opinion plaintiff's objections are without merit. The magistrate judge correctly concluded that as the prison regulation regarding beards that plaintiff challenged is no longer in effect, the challenge to the regulation is moot.

ORDER

Accordingly, the objections filed by plaintiff 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**. The motion to dismiss is **GRANTED** and plaintiff's claim relating to growing a beard is **DISMISSED** without prejudice as moot.

SIGNED at Plano, Texas, this 12th day of September, 2017.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE