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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

LARRY W. RICHARD	§	
VS.	§	CIVIL ACTION NO. 1:12-CV-272
UP RASPBERRY, ET AL.,	§	

MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Larry W. Richard, an inmate confined at the Jester Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, appeared to file a civil rights action pursuant to 42 U.S.C. § 1983, against defendants UP Raspberry and UP Dennis.

The Court referred this matter 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 plaintiff's motion to dismiss be granted pursuant to Federal Rule of Civil Procedure 41(a)(1).

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

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 in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this the **26** day of **September, 2012.**

Thad Heartfield
United States District Judge

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