Richard v. Kelly Doc. 254

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

LARRY WAYNE RICHARD,	§	
	§	
Plaintiff,	§	
	§	
versus	§	CIVIL ACTION NO. 1:12-CV-294
	§	
DONALD R. KELLY, *et al.*,	§	
	§	
Defendants.	§	

MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Larry Wayne Richard, an inmate confined at the Michael Unit, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983. The court 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. The Magistrate Judge recommends that plaintiff's motion for default judgment be denied.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.[1]

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**. Plaintiff's motion for default judgment is **DENIED**.

SIGNED at Beaumont, Texas, this 5th day of March, 2018.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

[1] On March 1, 2018, plaintiff filed a response to the Report which was docketed as objections (docket entry no. 253). In the response, however, plaintiff apologized for assuming the defendant had been served. Further, plaintiff specifically stated he does not object to the Report.

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