Baltrip v. Woods et al Doc. 40

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

| | | |
|---|---|---|
| HERBERT BALTRIP, JR., | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| *versus* | § | CIVIL ACTION NO. 1:13-CV-121 |
| | § | |
| MITCH WOODS, *et al.*, | § | |
| | § | |
| Defendants. | § | |

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

Plaintiff Herbert Baltrip, Jr., proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983 against Mitch Woods, George Miller, and Jim Eiselstein.

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 the defendants' motion to dismiss be granted. Accordingly, this action should be dismissed with prejudice.

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.

**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 recommendation.

**Signed this date.**

**Mar 15, 2016**

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

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