

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

DEREK KING §  
VS. § CIVIL ACTION NO. 1:13-CV-290  
MS. MARSHELL, CO V §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Derek King, an inmate formerly confined at the Mark Stiles Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendant CO V Marshall.

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 this civil rights lawsuit be dismissed for failure to state a claim.

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.<sup>1</sup>

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

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<sup>1</sup>Plaintiff filed correspondence with the Court on May 15, 2013 which was docketed as a supplement to his complaint. *See* docket entry no. 5. After a review of the correspondence, the Court also construes this as a supplement to his complaint as plaintiff provided additional factual information regarding his attempt to exhaust his administrative remedies and collect \$100.00 from TDCJ-CID.

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

**SIGNED** this the 4 day of **June, 2013**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield  
United States District Judge