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


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D'ANGELO NUNEZ,

Plaintiff,

*versus*

UNITED STATES OF AMERICA,

Defendant.

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CIVIL ACTION NO. 1:13-CV-419

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

Plaintiff D'Angelo Nunez, an inmate confined at the United States Penitentiary at Lompoc, California, proceeding *pro se*, filed this lawsuit against the United States pursuant to the Federal Tort Claims Act. The court previously 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 defendant filed a motion asking that the case be dismissed for lack of subject-matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1). The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the motion be granted.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the Report and Recommendation.

**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**. The motion to dismiss is **GRANTED**. A final judgment shall be entered dismissing this matter.

SIGNED at Beaumont, Texas, this 27th day of March, 2017.



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE