

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

TIMOTHY CARRILLO

§

VS.

§

CIVIL ACTION NO. 1:14cv99

MICHAEL ROSELER, ET AL.

§

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Timothy Carrillo, a prisoner confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed the above-styled civil rights lawsuit against several defendants. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court.

Plaintiff has filed a motion seeking a default judgment (doc. no. 38). The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this motion. The Magistrate Judge recommends the motion be denied.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections. After careful consideration, the court is of the opinion the objections are without merit. The court has entered an order directing plaintiff to provide the court with additional information concerning his claims. Plaintiff sought and has been granted an extension of time to comply with the order. When plaintiff files a response to the order, the defendants will be ordered to respond to plaintiff's claims. However, at the time plaintiff filed his motion, the defendants had not been ordered to respond to this lawsuit. As a result, they could not have been in default.

ORDER

Accordingly, the objections filed by plaintiff to the Report and Recommendation are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED** as the opinion of the court. Plaintiff's motion for a default judgment is **DENIED**.

So **ORDERED** and **SIGNED** this **27** day of **September, 2016**.



Ron Clark, United States District Judge