IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

DAVID PREJEAN §

VS. § CIVIL ACTION NO. 1:14-CV-368

CHARLES A. DANIELS, ET AL. §

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

Plaintiff David Prejean, a former federal prisoner, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

The court ordered that this matter be referred 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 granting the motion to dismiss or for summary judgment filed by defendants David Gonzales, Jr. and Charles Daniels.

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

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Plaintiff has not alleged facts that indicate that Gonzalez or Daniels were personally involved in denying him adequate medical treatment, or in violating his rights through implementation of an unconstitutional policy. Conclusory statements and claims that unspecified evidence might exist to support unstated claims are insufficient.

ORDER

Accordingly, plaintiff's objections (document no. 47) are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge (document no. 42) is **ADOPTED**. Defendants' motion to dismiss (document no. 36) is **GRANTED**. A partial judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

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

Ron Clark, United States District Judge

Pm Clark