

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

GEORGE BAY BARNES §
VS. § CIVIL ACTION NO. 1:15-CV-18
UNNAMED DEFENDANTS, *et al.*, §

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

Plaintiff, Georgebay Barnes, a prisoner formerly confined at the Mark Stiles Unit, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against several defendants.

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 defendants' motion for summary judgment be granted.

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. Plaintiff filed objections to the Report and Recommendation of United States Magistrate Judge. This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the Court finds the objections lacking in merit.¹ Plaintiff has failed to demonstrate through competent summary judgment evidence that there is a genuine dispute of material fact. Plaintiff failed to exhaust his administrative remedies with respect to his claims of a failure to protect and placement in administrative segregation. Plaintiff has also not demonstrated extraordinary circumstances that would warrant waiver of the exhaustion requirement. Finally,

¹The bulk of plaintiff's objections state he seeks the assistance of either a federal or state prosecutor. In addition, plaintiff argues the findings of the Magistrate Judge in the Report and Recommendation are "unjust" and are the result of judicial misconduct. Plaintiff also requests a hearing before the District Judge.

plaintiff has not demonstrated the defendants were personally involved in the alleged constitutional violations.

Accordingly, plaintiff's objections 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**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations. Plaintiff's motion for evidentiary hearing (docket entry no. 123) is also denied.

SIGNED this the 26 day of **June, 2017**.

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

Thad Heartfield
United States District Judge