

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

JIMMY R. BRIGHAM, SR. §
VS. § CIVIL ACTION NO. 1:15-CV-440
TEXAS DEPARTMENT OF CRIMINAL §
JUSTICE, *et al.*,

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Jimmy R. Brigham, Sr., an inmate formerly confined at the Eastham Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding with counsel, filed the above-referenced civil rights action pursuant to 42 U.S.C. § 1983 and the Americans with Disabilities Act against defendants the Texas Department of Criminal Justice ("TDCJ"), William Stephens, the Director of the Criminal Institutions Division, Cali Morgan, Robert Bowman, Kevin Jones, Malcolm Hawkins, Marvin Davis, Wiley West, and Brandon Holloway.

The court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the following: (1) defendants Morgan, Bowman, Jones, Hawkins, Davis, West and Holloway's Motion to Dismiss filed pursuant to Federal Rule of Civil Procedure 12(b)(6) be denied; (2) defendant TDCJ's Motion to Dismiss filed pursuant to Federal Rule of Civil Procedure 12(b)(6) with respect to injunctive relief under § 1983 be granted; (3) defendant Stephen's Motion to Dismiss filed pursuant to Federal Rule of Civil Procedure 12(b)(6) with respect to injunctive relief under § 1983 be denied; and (4) defendant TDCJ and Stephen's Motion to Dismiss filed pursuant to Federal Rule of Civil Procedure 12(b)(6) with respect to plaintiff's ADA claims 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. No objections to the Report and Recommendation of United States Magistrate Judge have been filed to date.

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**.

So **ORDERED** and **SIGNED** this **28** day of **September, 2016**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge