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

MICHAEL MATTOX,

§

Plaintiff,

§

versus

§

BREE ALLEN,

§

Defendant.

§

CIVIL ACTION NO. 1:16-CV-73

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

Plaintiff Michael Mattox, an inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed the above-styled lawsuit pursuant to 42 U.S.C. § 1983.

The court previously 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 has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The magistrate judge recommends this lawsuit be dismissed for failure to state a claim upon which relief may be granted. However, plaintiff subsequently filed a motion requesting that this action be dismissed. Pursuant to Federal Rule of Civil Procedure 41(a), plaintiff is entitled to voluntarily dismiss his claims prior to the service of any adverse parties.

ORDER

Accordingly, plaintiff's motion to dismiss is **GRANTED**. The report of the magistrate judge is **ADOPTED** to the extent it recommends dismissal of this action. A final judgment shall be entered dismissing this lawsuit.

Signed this date.

Aug 24, 2016

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE