

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

RALPH LYNN FERGUSON JR,
Plaintiff,

versus

ERIC MARCINE DUNN, CHARLES WILLIS, JOSH BECKMAN, BRANDON THURMAN, TIMOTHY WAYNE CORKERN, STEVE HOLLOWAY, PARVIN BUTLER, ANGIE BROWN, PETE PATRICK, GWEN KELLY, CONNIE . SMITH, LINDA PITTS, ASHLEY MORROW, ROBERT SHANE HILTON, COURTNEY TRACY PONTHER, CRAIG M MIXSON, J KEITH STANLEY,
Defendants.

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CASE NO. 1:16-CV-00272-MAC

**ORDER OVERRULING PLAINTIFF’S OBJECTIONS AND ADOPTING
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

On March 29, 2019, United States Magistrate Judge Zack Hawthorn recommended denying *pro se* Plaintiff Ralph Lynn Ferguson Jr.’s “Motion to Amend Final Judgment.” Doc. No. 210. Thereafter, on April 23, 2019, the court adopted Judge Hawthorn’s report (Doc. No. 212) after the objection period elapsed and no objections had been filed. Doc. No. 213.

On May 1, 2019, Ferguson filed an “Emergency Pro-Se Motion to Void [213] Order Adopting Report and Recommendations,” arguing that he had not timely received the magistrate judge’s report by certified mail within the objection period. Doc. No. 214. On May 8, 2019, Judge Hawthorn denied Ferguson’s emergency motion as moot because the court granted Ferguson leave

to file his objections to the report. Doc. No. 215. On May 28, 2019, Ferguson filed his objections to the report. Doc. No. 217.

A party who files timely, written objections to a magistrate judge's report and recommendation is entitled to a *de novo* determination of those findings or recommendations to which the party specifically objects. 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72(b)(2)-(3). "Parties filing objections must specifically identify those findings [to which they object]. Frivolous, conclusive or general objections need not be considered by the district court." *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc).

After reviewing Ferguson's objections, the court finds that the objections are without merit.

It is, therefore, **ORDERED** that the magistrate judge's "Report and Recommendation Denying Motion for Reconsideration" (Doc. No. 212) remains **ADOPTED**, Ferguson's "Motion to Amend Final Judgment" (Doc. No. 210) remains **DENIED**, and that any other pending motions are **DENIED as moot**.

Signed this date

Jun 3, 2019



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE