

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

JEREMY WIMBERLY,

Petitioner,

*versus*

UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO. 1:16-CV-428

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE’S REPORT AND RECOMMENDATION**

Petitioner Jeremy Wimberly, a prisoner previously confined at the United States Penitentiary in Beaumont, Texas, proceeding *pro se*, filed this motion for relief from judgment pursuant to Federal Rule of Civil Procedure 60(b).

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 dismissing the action without prejudice pursuant to Federal Rule of Civil Procedure 41(a).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#7) is **ADOPTED**. Plaintiff’s motion to dismiss

(#6) is **GRANTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 28th day of December, 2016.

A handwritten signature in cursive script that reads "Marcia A. Crone".

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE