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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

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RAMON VARGAS,

Plaintiff,

*versus*

DAVID ST. CLAIR, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:16-CV-498

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

Plaintiff Ramon Vargas, a prisoner previously confined at the Federal Correctional Institution in Beaumont, Texas, proceeding *pro se* and *in forma pauperis*, filed this civil action against David St. Clair, H. Plessala, Harmoush Issam, and the United States of America.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends denying the motion to dismiss filed by defendants St. Clair, Plessala, and Issam.

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 were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report and recommendation of the magistrate judge (#29) is **ADOPTED**. The motion to dismiss filed by defendants St. Clair, Plessala, and Issam (#15) is **DENIED**.

SIGNED at Beaumont, Texas, this 21st day of March, 2018.

*Marcia A. Crone*

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE