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

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DEWEY EUGENE DILLARD,

§

Plaintiff,

§

versus

§

CIVIL ACTION NO. 1:16-CV-512

LEMUR R. BURNS, *et al.*,

§

Defendants.

§

**MEMORANDUM OPINION AND ORDER**

Plaintiff, Dewey Eugene Dillard, an inmate confined at the Jester III, with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants Burns and McCoy.

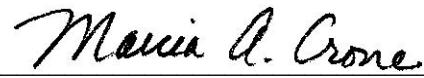
The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed for failure to state a claim.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). In his objections, plaintiff asks that this action be voluntarily dismissed and that he be allowed to re-file his claims once he obtains assistance of inmate counsel.

## ORDER

Accordingly, the objections of the plaintiff are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **PARTIALLY ADOPTED**, to the extent it recommends dismissal. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED at Beaumont, Texas, this 2nd day of March, 2017.

  
MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE