
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

ASBERRY BARRY POSTELL,

Plaintiff,

*versus*UNIT DOCTOR, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:17-CV-12

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

Plaintiff, Asberry Barry Postell, an inmate confined at the Mark Stiles Unit 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 several defendants.

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 following claims as frivolous and for failure to state a claim: (1) plaintiff's claims against all the defendants in their official capacity, (2) plaintiff's individual capacity claims against defendant Collier for lack of personal involvement, (3) plaintiff's individual capacity claims against defendants Brewer, Lee, Barber, Montgomery, an Massie for failure to properly investigate and respond to grievances, (4) plaintiff's individual capacity claims for verbal threats and harassment against unidentified defendants, and (5) plaintiff's individual capacity claims against defendant Ekeke for lost and damaged property without due process of law.

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). After a careful review, this court finds the objections lacking in merit.

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 **ADOPTED**.

SIGNED at Beaumont, Texas, this 7th day of April, 2020.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE