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


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JEREMY P. SPENCER,

Plaintiff,

*versus*FNU AUGUST, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:17-CV-63

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

Plaintiff, Jeremy P. Spencer, a former pre-trial detainee at the Jefferson County Correctional Facility, proceeding *pro se* and *in forma pauperis*, filed this civil rights complaint pursuant to 42 U.S.C. § 1983 against the following defendants: Jefferson County Correctional Facility Medical Staff, Jefferson County Correctional Facility Psych Doctors, Jodi Lynn Shearer Simon and Jennifer Esclovon.

The court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing plaintiff's claims against defendants Jefferson County Correctional Facility Medical Staff and Jefferson County Correctional Facility for failure to state a claim and as frivolous.

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 careful consideration, the court finds plaintiff's objections are without merit. Plaintiff reiterates that the individual defendants Jodi Lynn Shearer Simon and Jennifer Esclovon were employed by the Jefferson County Correctional Facility in the Psych and Medical Department. The Court recently ordered that these individual defendants be served. Plaintiff offers no specific objection to the dismissal of the non-jural entities and has failed to show these entities have the capacity to be sued. *Darby*, 939 F.2d at 314.

### **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**. A Partial Judgment will be entered in accordance with the recommendations of the Magistrate Judge.

**Signed this date**

**Sep 23, 2019**



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE