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

JONATHAN RODERICK THOMAS,

Plaintiff,

*versus*MARICIA R. JACKSON, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:17-CV-167

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

Plaintiff Jonathan Roderick Thomas, an inmate confined at the Hightower Unit, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

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 this action be dismissed without prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, 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.

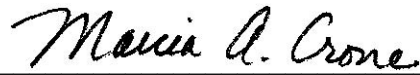
Plaintiff, however, filed a motion to dismiss this action after the report was entered. Plaintiff is permitted to dismiss his lawsuit without prejudice prior to service of an answer or motion for summary judgment. FED. R. CIV. P. 41(a)(i). As the defendants have neither filed an answer nor motion for summary judgment, plaintiff's motion to dismiss is granted. Accordingly, the report will be adopted but only to the extent it recommended dismissal without prejudice.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED** to the extent it recommended

dismissal without prejudice. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

SIGNED at Beaumont, Texas, this 8th day of June, 2017.

Handwritten signature of Marcia A. Crone in cursive script.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE