

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JIMMIE MARK PARROTT, JR. §
VS. § CIVIL ACTION NO. 1:19-CV-475
UTMB CORRECTIONAL MANAGED §
HEALTH, ET AL.

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

Plaintiff Jimmie Mark Parrott, Jr., a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against the University of Texas Medical Branch Correctional Managed Health Care (UTMB-CMHC), Joni White, Vivian Davis, Yvette Hall, Tamina Brazil, Emma Davis, Edward Delone, and Kevin Smith.

The Court ordered that this matter be referred 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 dismissing the claims against UTMB pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure to state a claim upon which relief may be granted.

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 the pleadings. Plaintiff filed objections to the Report and Recommendation.

The Court has conducted 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 of all the pleadings and the relevant case law, the Court concludes that plaintiff's objections lack merit. Plaintiff incorrectly asserts that UTMB-CMHC is a corporation, not a government entity. The University of Texas Medical Branch Correctional Managed Health Care is an agency of the state of Texas and is, therefore, immune from suit in federal court. *Lewis v. University of Texas Medical Branch at Galveston*, 665 F.3d 625, 630 (5th Cir. 2011); *Back v. Texas Dep't of Criminal Justice*, No. W-14-CA-301, 2014 WL 12695292, at *1 (W.D. Tex. Aug. 29, 2014).

ORDER

Accordingly, plaintiff's objections (document no.41) are **OVERRULED**. The findings of fact and the conclusions of law of the magistrate judge are correct, and the report and recommendation of the magistrate judge (document no. 37) are **ADOPTED**. The University of Texas Medical Branch Correctional Managed Health Care is **DISMISSED** from this action.

SIGNED this 17th day of February, 2021.



Michael J. Truncala
United States District Judge