

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

SHERMAN DIVISION

SAMUEL DEWAYNE DELMAST, #1589085 §

VS. §

CIVIL ACTION NO. 4:09cv629

ALFONSO CARDENAS, ET AL. §

ORDER ADOPTING REPORT AND RECOMMENDATION

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Don D. Bush. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

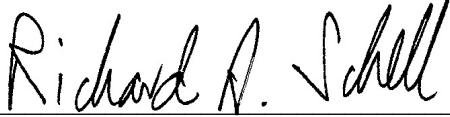
ORDERED that Defendants’ Motion for Summary Judgment (docket entry #152) is **GRANTED** and final judgment rendered in Defendants’ favor and against Plaintiff and that Plaintiff shall take nothing as a result of this action. It is further

ORDERED that Plaintiff’s complaint is **DISMISSED WITH PREJUDICE** as frivolous pursuant to 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that, in light of the fact that all other Defendants have previously been dismissed, this case be **CLOSED**. It is further

ORDERED that all motions not previously ruled upon are hereby **DENIED**. It is finally **ORDERED** that each party is to bear his own costs.

SIGNED this the 29th day of September, 2011.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE