

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DAVID EARL PONDER

Plaintiff,

VS.

CITY OF DENTON, TEXAS, et al.

Defendants.

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Case No. 4:13cv17

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On October 21, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Motion for Summary Judgment on Limitations (Dkt. 42) be GRANTED, that Plaintiff take nothing by his claims because they are barred by the applicable statute of limitations, and that this matter be closed on the court's docket with all costs to be paid by the party incurring same.¹ The Magistrate Judge further found that Defendants should not be awarded their costs given that Defendants did not request an award of costs and that Plaintiff is proceeding *in forma pauperis* and has alleged periodic episodes of homelessness and financial difficulties.

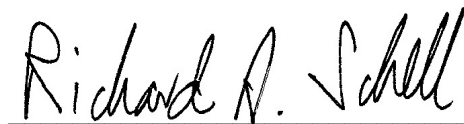
¹On December 8, 2014, the Magistrate Judge entered an order correcting a typographical error on page 11 of the October 21, 2014 report and recommendation. *See* Dkt. 50.

The court has made a *de novo* review of the objections raised by Plaintiff (*see* Dkt. 49) and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Defendants' Motion for Summary Judgment on Limitations (Dkt. 42) is GRANTED, Plaintiff shall take nothing by his claims because they are barred by the applicable statute of limitations, and this matter shall be closed on the court's docket with all costs paid by the party incurring same.

IT IS SO ORDERED.

SIGNED this the 24th day of March, 2015.

A handwritten signature in black ink that reads "Richard A. Schell". The signature is written in a cursive, flowing style.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE