

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

SMITH BROWNLEE	§	
v.	§	CIVIL ACTION NO. 5:07cv106
NATHANIEL QUARTERMAN, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
ON DEFENDANT'S MOTION FOR PARTIAL DISMISSAL

The Plaintiff Smith Brownlee, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

The Defendant Dr. Reginald Stanley has filed a motion asking that Brownlee's request for injunctive relief be dismissed as to him. Dr. Stanley states that Brownlee is no longer housed at the Telford Unit, but has been moved to the Wallace Pack Unit in Navasota, and so Brownlee's claims for injunctive relief are moot as to him. Brownlee filed a response to this motion arguing that he was moved to the Pack Unit in retaliation for his having filed grievances and complaints regarding his dentures.

On August 8, 2008, the Magistrate Judge issued a Report recommending that Dr. Stanley's motion to dismiss as moot the claims for injunctive relief as to him be granted. Brownlee received a copy of this Report on August 18, 2008, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-

to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has examined the Report of the Magistrate Judge and the pleadings in the cause. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Defendant's motion to dismiss as moot the Plaintiff's claim for injunctive relief against him (docket no. 15) be and hereby is GRANTED and that the Plaintiff's claims for injunctive relief against Dr. Stanley are hereby DISMISSED as moot.

SIGNED this 9th day of September, 2008.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE