

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

DWIGHT SULLIVAN §
v. § CIVIL ACTION NO. 5:08cv168
STEPHANIE DeRAMCY, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
ON THE PLAINTIFF'S MOTIONS FOR SUMMARY JUDGMENT

The Plaintiff Dwight Sullivan, 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 case 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.

Sullivan has filed two motions for summary judgment, saying first that he is seeking summary judgment as to the destruction of his property by the Defendants Nita Burgess, David Coleman, and Lori Price. In the second motion, he repeats the allegations of his complaint, saying that the Defendants have made perjured statements, failed to send out his legal mail, conspired against him in various ways, failed to report assaults against him, engaged in organized criminal activities, retaliated against him, deprived him of his freedom of expression, placed him in “state created danger,” stole his personal property, and interfered with investigations into their alleged wrongdoing.

After review of the motions, the Magistrate Judge issued a Report on February 1, 2010, recommending that the motions for summary judgment be denied. The Magistrate Judge observed that Sullivan had not met his burden of proof to show that there were no disputed issues of fact and that he is entitled to judgment as a matter of law. Instead, Sullivan simply recounted his version of

events and asked that he be granted summary judgment on this basis. In the absence of a showing that there are no disputed issues of fact and that the movant is entitled to a matter of law, Sullivan has failed to show that he is entitled to summary judgment, and his objections are without merit.

The Court has conducted a careful *de novo* review of the pleadings in this cause, including the Plaintiff's motions for summary judgment, the Report of the Magistrate Judge, and the Plaintiff's objections thereto. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motions for summary judgment (docket no.'s 25 and 45) are hereby DENIED.

SIGNED this 8th day of March, 2010.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE