

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

ANTHONY SCOTT JOHNSON, #1024898 §

VS. §

CIVIL ACTION NO. 5:11cv9

RICK THALER, ET AL. §

ORDER OF DISMISSAL

Plaintiff Anthony Scott Johnson, an inmate confined at the Telford Unit of the Texas prison system, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit. The complaint was referred to United States Magistrate Judge Caroline M. Craven, who issued a Third Report and Recommendation concluding that the Defendants’ motion for summary judgment should be granted. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit. Therefore the findings and conclusions of the Magistrate Judge are adopted as the findings and conclusions of the Court. It is accordingly

ORDERED that the Defendants’ motion for summary judgment (docket entry #39) is **GRANTED**. It is further

ORDERED that complaint is **DISMISSED** with prejudice pursuant to Fed. R. Civ. P. 56. and 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

Finally, the Plaintiff is hereby informed that the decision dismissing this cause of action as frivolous and malicious counts as a strike for purposes of § 1915(g). He is cautioned that once he accumulates three strikes, he may not proceed IFP either in any civil action or in any appeal of a civil action which is filed while he is incarcerated or detained in any facility, unless he is under imminent danger of serious physical injury. He is further placed on notice that sanctions may be imposed against him if he files any new lawsuits that are frivolous or malicious.

SIGNED this 7th day of September, 2011.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE