

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

JED LINEBERRY, #10296-078

§

VS.

§

CIVIL ACTION NO. 5:11cv165

JOHN DOES, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Jed Lineberry, an inmate confined at F. C. I. Texarkana, filed the above-styled and numbered civil rights lawsuit. The complaint was referred to United States Magistrate Judge Caroline M. Craven, who issued a Report and Recommendation concluding that the lawsuit should be dismissed pursuant to the “three strikes” provisions of 28 U.S.C. § 1915(g). 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. The Plaintiff has not shown that the exception to § 1915(g) is applicable to his case. Furthermore, the present lawsuit is yet another example of abuse of court since the Plaintiff filed it before he exhausted his administrative remedies. 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 complaint is **DISMISSED** with prejudice for purposes of *in forma pauperis* proceedings pursuant to 28 U.S.C. § 1915(g). It is further

ORDERED that the Plaintiff's *in forma pauperis* status is **REVOKED**. The Plaintiff may resume the lawsuit if he pays the entire filing fee of \$350 within thirty days after the entry of the Final Judgment. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

SIGNED this 8th day of November, 2011.

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

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE