

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

TRAVIS EUGENE JONES §
v. § CIVIL ACTION NO. 5:12cv14
DIRECTOR, TDCJ, ET AL. §

MEMORANDUM OPINION AND ORDER
GRANTING PLAINTIFF'S MOTION TO DISMISS

The Plaintiff Travis Jones, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights in the Texas Department of Criminal Justice, Correctional Institutions Division. 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.

After the Defendants answered the lawsuit, a motion for summary judgment based upon exhaustion of administrative remedies was filed. On January 28, 2013, the Magistrate Judge issued a Report recommending that the motion to dismiss be granted and that the lawsuit be dismissed for failure to exhaust. On February 4, 2013, the Plaintiff filed a motion asking that his lawsuit be dismissed.

The Court has reviewed the pleadings and the Report of the Magistrate Judge and has determined that this Report is correct. Nonetheless, in the interest of justice, Jones' request for voluntary dismissal should be granted. *See Carter v. United States*, 547 F.2d 258, 259 (5th Cir. 1977); *Thomas v. Phillips*, 83 Fed.Appx. 661, 2003 WL 22965565 (5th Cir., December 17, 2003) (citing *Carter*). It is accordingly

ORDERED that the Plaintiff's motion to dismiss his lawsuit (docket no. 27) is hereby GRANTED. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice on the Plaintiff's motion. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

It is SO ORDERED.

SIGNED this 26th day of February, 2013.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE