

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

ARTHUR LAFAYETTE JR. §
v. § CIVIL ACTION NO. 5:12cv122
JAMES PRINCE, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Arthur Lafayette, 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. As Defendants, Lafayette named Bowie County Sheriff James Prince, the chief of police for the City of Texarkana, a police officer named Lewis, a bail bondsman named Jacob McDaniel, and Bowie County District Attorney Jerry Rochelle.

Lafayette complains that he was arrested by Lewis unlawfully and that Lewis tampered with evidence in some unspecified way. He stated that Sheriff Prince and the Texarkana police chief “failed to correct civil rights violations by staff, although he did not explain how his civil rights were violated or by whom. Finally, Lafayette asserted that District Attorney Jerry Rochelle presented “tainted evidence” to the grand jury and wrongfully imprisoned him, and McDaniel failed to keep him notified of his court dates so as to ensure his appearance. The sole relief sought by Lafayette was that the charges be dropped and that he be released from prison.

The Magistrate Judge ordered the Defendants to answer the lawsuit. In response, McDaniel filed a motion to dismiss and the other Defendants have filed motions and supplemental motions for summary judgment.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the motions to dismiss and for summary judgment be granted and that the lawsuit be dismissed with prejudice. A copy of this Report was sent to Lafayette at his last known address, return receipt requested, but no objections have been received; 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 reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 22) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the motion to dismiss filed by the Defendant Jacob McDaniel (docket no. 10), the motion and supplemental motion for summary judgment filed by the Defendants Lewis and the Texarkana police chief (docket no.'s 15 and 19), and the motion and supplemental motion for summary judgment filed by the Defendants Prince and Rochelle (docket no.'s 18 and 21) are hereby GRANTED and that above-styled civil action is DISMISSED with prejudice. It is further

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

It is SO ORDERED.

SIGNED this 10th day of June, 2013.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE