

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

RUBEN SOLIS ANDERSON, #596151

§

VS.

§

CIVIL ACTION NO. 5:14cv57

F. GOODEN, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Ruben Solis Anderson, an inmate confined at the Telford Unit of the Texas prison system, filed the above-styled and numbered civil rights lawsuit. The complaint was referred to United States Magistrate Judge Caroline M. Craven, who issued a Second Report and Recommendation concluding that the complaint should be dismissed. Anderson has filed objections.

Anderson alleges prison officials are retaliating against him and trying to get him killed. He acknowledged that the present lawsuit is a mirror image of his previous two lawsuits. The Court granted the Defendants motion to dismiss in *Anderson v. Burgess*, Civil Action No. 5:12cv50 (E.D. Tex. April 18, 2013). The Fifth Circuit dismissed his appeal as frivolous. *Anderson v. Burgess*, 547 F. App'x 493 (5th Cir. 2013). He was warned about filing frivolous lawsuits; nonetheless, he raised the same claims in another lawsuit, which was dismissed in *Anderson v. Grounds*, Civil Action No. 5:13cv130 (E.D. Tex. April 30, 2014).

Undeterred, Anderson filed the present lawsuit on April 30, 2014. On July 18, 2014, the lawsuit was dismissed for purposes of *in forma pauperis* proceedings pursuant to the “three strikes” provisions of 28 U.S.C. § 1915(g). Anderson, however, paid the filing fee and the case was returned to the active docket on July 23, 2014. On August 22, 2014, Magistrate Judge Craven issued the Second Report and Recommendation (docket entry #37). She correctly observed he may not

repeatedly relitigate the same claims. A recommendation was made to dismiss the lawsuit as frivolous pursuant to 28 U.S.C. § 1915A(b)(1).

The Second 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 Anderson to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections by Anderson 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 Second Report and Recommendation (docket entry #37) is **ADOPTED**.

It is further

ORDERED that the civil rights complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). All motions not previously ruled on are **DENIED**.

Finally, Anderson is warned that additional sanctions may be imposed against him if he persists in filing new lawsuits raising the same claims.

It is SO ORDERED.

SIGNED this 2nd day of October, 2014.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE