

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

ROBERT DANIEL SPIVEY	§	
v.	§	CIVIL ACTION NO. 5:17cv94
JOSEPH WILSON, ET AL.	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Robert Daniel Spivey, an inmate of the Texas Department of Criminal Justice Institutional Division proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights during his confinement of the Telford Unit. This Court referred the case to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636(b)(1) and (3).

Plaintiff filed a motion for temporary restraining order concerning the conditions of confinement at the Eastham Unit, where he was then housed (Docket No. 28). Since filing this motion, Plaintiff has been transferred and is now at the McConnell Unit. The Magistrate Judge issued a Report and Recommendation (Docket No. 89) recommending the motion be denied as moot. Plaintiff received a copy of this Report on March 22, 2018 but filed no objections. Accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions and recommendations and, except on grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Fed. R. Civ. P. 72; 28 U.S.C. § 636.

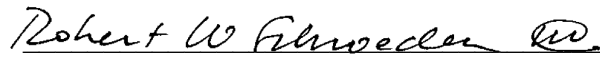
Having reviewed the pleadings and the Report and Recommendation, the Court agrees with the Magistrate Judge that Plaintiff's claims for injunctive relief regarding the conditions of

confinement at the Eastham Unit are now moot. It is accordingly

ORDERED that the Report and Recommendation of the United States Magistrate Judge on Plaintiff's Motion for Temporary Restraining Order (Docket No. 89) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the Plaintiff's motion for temporary restraining order (Docket No. 28) is **DENIED**.

SIGNED this 30th day of July, 2018.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE