

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

EARL KING,

Plaintiff,

v.

LASALLE CORRECTIONS, et al.,

Defendants.

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CIVIL ACTION NO. 5:17-CV-00109-RWS

ORDER

Plaintiff Earl King, a former inmate of the Bowie County Correctional Center proceeding pro se, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. The Court referred the case 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.

Plaintiff claimed he received an incorrect insulin injection, resulting in physical harm. Docket No. 1 at 4. Defendants filed a motion arguing Plaintiff failed to exhaust his administrative remedies (Docket No. 22), to which the Plaintiff filed a response (Docket No. 26). After review of the pleadings and the summary judgment evidence, the Magistrate Judge issued a Report recommending the motion for summary judgment be granted and the lawsuit dismissed without prejudice. Docket No. 29. The Magistrate Judge also recommended the Defendants' earlier motion to dismiss be denied as moot. Id. at 8. Plaintiff received a copy of the Report on February 5, 2018 (Docket No. 30). Plaintiff did not file objections to the Report and Recommendation; therefore, this Court reviews the Report and Recommendation for clear error. Rodriguez v. Bowen,

857 F.2d 275, 276-77 (5th Cir. 1988). Having reviewed the Report, the Court concludes that it was not clear error for the Magistrate Judge to determine that Plaintiff's complaint should be dismissed for failure to exhaust administrative remedies. It is accordingly

ORDERED the Report of the Magistrate Judge (Docket No. 29) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the Defendants' Motion for Summary Judgment (Docket No. 22) is **GRANTED** and the above-styled civil action is **DISMISSED** without prejudice. In light of the above, it is further

ORDERED the Defendants' Motion to Dismiss (Docket No. 14) is **DENIED AS MOOT**. Finally, it is

ORDERED any and all other motions which may be pending in this civil action are **DENIED**.

So ORDERED and SIGNED this 9th day of March, 2018.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE