

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

RUSTY LEISURE,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,
WARDEN SALMONSON,

Defendants.

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CIVIL ACTION NO. 5:20-CV-00075-RWS

ORDER

Plaintiff Rusty Leisure, proceeding pro se, filed this civil rights lawsuit under 42 U.S.C. § 1983. Bowen, et al., v. Federal Bureau of Prisons, et al., 5:20-cv-62-RWS-CMC, Docket No. 1 (Apr. 29, 2020). The 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. The above-captioned matter was then severed from the originally filed case. Docket No. 1.

On February 22, 2021, the Magistrate Judge issued a Report recommending dismissal of the lawsuit for failure to prosecute or obey an order of the Court. Docket No. 4. Plaintiff received a copy of this Report on February 26, 2021, but no objections have been received. Docket No. 5. Plaintiff is therefore 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 factual findings and legal conclusions accepted and adopted by the District Court. Duarte v. City of Lewisville, Texas, 858 F.3d 348, 352 (5th Cir. 2017).

Nonetheless, the Court has reviewed the pleadings in this matter and the Report of the Magistrate Judge. Upon such review, the Court has determined 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, (1989) (finding that 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.”). Accordingly, the Report of the Magistrate Judge (Docket No. 4) is **ADOPTED** as the opinion of the District Court. It is

ORDERED that the above-captioned matter is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court.

So ORDERED and SIGNED this 18th day of November, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE