

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

DANIEL BOWLING §
v. § CIVIL ACTION NO. 6:09cv214
JACKIE DeNOYELLES, ET AL. §

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

The Plaintiff Daniel Bowling, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. This Court ordered that the matter 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.

Bowling complained that he received notice that the Defendants, members of the Texas Board of Pardons and Paroles, had voted to place him on the sex offender case load when he is released to mandatory supervision, but he has never been convicted of a sex offense. The Court ordered the Defendants to answer the lawsuit, and a motion to dismiss was filed. Bowling filed an amended complaint raising due process claims, and the Defendants filed an amended motion to dismiss responding to the new claims. Bowling did not file a response to the amended motion to dismiss.

After review of the pleadings, the Magistrate Judge issued a Report on February 26, 2010, recommending that the motions to dismiss be granted and that the lawsuit be dismissed. A copy of this Report was sent to Bowling at his last known address, return receipt requested, but no objections have been filed; accordingly, he is barred from *de novo* review by the district court 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*).

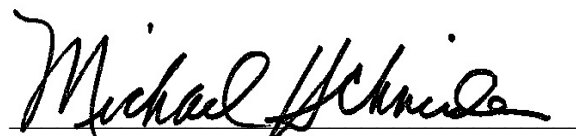
The Court has reviewed the pleadings in this cause as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Defendants' motions to dismiss (docket no.'s 13 and 25) are GRANTED and that the above-styled civil action be and hereby is DISMISSED with prejudice. It is further

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

SIGNED this 17th day of March, 2010.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE