

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

TYLER DIVISION

RODGER PHILLIP HERNANDEZ

§

VS.

§

CIVIL ACTION NO. 6:11cv429

MELINDA KAY SMITH, ET AL.

§

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

ORDERED that the civil rights complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)&(ii). All motions by either party not previously ruled on are hereby **DENIED**.

So **ORDERED** and **SIGNED** this 29th day of September, 2011.



LEONARD DAVIS
UNITED STATES DISTRICT JUDGE