

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

TYLER DIVISION

KIRK MARTIN BAGBY, #1582340 §
VS. § CIVIL ACTION NO. 6:13cv327
JERRY R. KARRIKER, III, ET AL. §

ORDER OF DISMISSAL

Plaintiff Kirk Martin Bagby, a prisoner confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed this lawsuit pursuant to 42 U.S.C. § 1983. The lawsuit was referred to United States Magistrate Judge Judith K. Guthrie, who concluded that the lawsuit should be dismissed because it was duplicitous to Civil Action No. 6:12cv266. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit. He argued in his objections that the Magistrate Judge misconstrued his claims in Civil Action No. 6:12cv266. The Plaintiff, however, may file one and only one lawsuit about an incident. He may not file a new lawsuit because he disagrees with how a previous lawsuit was resolved. His remedy regarding the previous lawsuit was to challenge or appeal the decision in that case, as opposed to filing a new lawsuit. The objections lack merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the civil rights complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that all motions not previously ruled on are hereby **DENIED**.

So **ORDERED** and **SIGNED** this 3rd day of June, 2013.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE