

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

JOHN A. REGALADO §
v. § CIVIL ACTION NO. 6:13cv884
SHERIFF RANDY MEEKS, ET AL. §

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

The Plaintiff John Regalado, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This 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.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice as brought in a court of improper venue. 28 U.S.C. §1406. The Magistrate Judge also recommended that Regalado be warned that if he persists in the practice of sending bodily fluids or other hazardous materials to the Court, as was done in this case, he will be subjected to stringent sanctions.

A copy of the Magistrate Judge's Report was sent to Regalado at his last known address, return receipt requested, but no objections have been received; accordingly, he is 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 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 and the Report of the Magistrate Judge. Upon such review, the Court has determined that 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, 109 S.Ct. 3243 (1989) (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"). It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 8) is hereby **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is **DISMISSED WITHOUT PREJUDICE**. It is further

ORDERED that the Plaintiff John Regalado is hereby **WARNED** that should he persist in the practice of sending bodily fluids or other hazardous materials to the Court, he will be subjected to stringent sanctions, including but not limited to monetary sanctions, limitations or bars on future filings, or a directive that all future correspondence be returned to him unopened. It is further

ORDERED that the Clerk shall send a copy of this order to the Office of the Clerk for the Northern, Southern, and Western Districts of Texas, and send a copy of this order to the Administrator of the Three Strikes List for the Eastern District of Texas. Finally, it is

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

So ORDERED and SIGNED this 21st day of April, 2014.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE