

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

CARL EVANS §
v. § CIVIL ACTION NO. 6:14cv566
DR. GARY WRIGHT §

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

The Plaintiff Carl Evans, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights during his confinement in the Texas Department of Criminal Justice, Correctional Institutions Division. 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. The sole named Defendant is Dr. Gary Wright.

Evans complained that Dr. Wright was deliberately indifferent to his serious medical needs and discriminated against him in violation of the Americans with Disabilities Act. On August 18, 2015, the magistrate judge entered a report recommending that Dr. Wright's motion for summary judgment be granted. Evans filed a motion for extension of time in which to object and was given until September 24, 2015. No objections have been filed despite Evans' having more than ample time to do so; 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 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 and evidence in this cause and the report of the Magistrate Judge. Upon such review, the Court has determined that the report of the magistrate

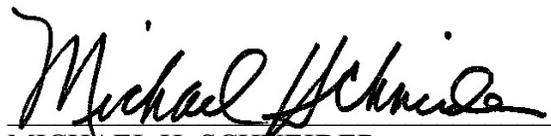
judge is correct. See United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a magistrate judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 39) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Defendant's motion for summary judgment (docket no. 32) is **GRANTED** and the above-styled civil action is **DISMISSED WITH PREJUDICE**. Finally, it is

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

SIGNED this 29th day of September, 2015.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE