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

COURTLAND LINDSAY	§	
	§	
	§	
	§	
v.	§	CIVIL ACTION NO. 6:14cv641
	§	
SMITH COUNTY SHERIFF'S OFFICE	§	
	§	
	§	
	§	

ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation (Docket No. 4) recommends that Plaintiff's motion to proceed *in forma pauperis* be denied, that the complaint be dismissed with prejudice for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted pursuant to FED. R. CIV. P. 12(b)(1) and (6), and that Plaintiff be sanctioned in the amount of \$100.00, such that the Clerk shall not accept any new filings from Courtland Lindsay until the sanction has been paid in full. Plaintiff filed written objections to the Report and Recommendation on August 11, 2014.

Having made a *de novo* review of the written objections filed by Plaintiff, the Court concludes that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. Plaintiff's vexatious litigation practices, fully outlined in the Report and Recommendation, cannot be condoned. Plaintiff's written objections do not contradict the findings in the Report and Recommendation. At best, Plaintiff attempts to assert

vague allegations of violations of his civil rights that were not included in the Complaint.

Amendment of the complaint to include these allegations would be fruitless because these

allegations were previously adjudicated in Lindsay v. Smith County Sheriff's Office, Civil Action

No. 6:12-cv-559.

In light of the foregoing, it is

ORDERED that the Motion to Proceed In Forma Pauperis is **DENIED** and the

Complaint is **DISMISSED** with prejudice for lack of subject matter jurisdiction and for failure to

state a claim upon which relief may be granted pursuant to FED. R. CIV. P. 12(b)(1) and (6).

Plaintiff is **SANCTIONED** in the amount of \$100.00. The sanction is independent of any

sanction imposed in any other case. The Clerk is directed not to accept any new filings from

Courtland Lindsay until any and all monetary sanctions have been paid in full.

Any motion not previously ruled on is **DENIED**.

So ORDERED and SIGNED this 28th day of August, 2014.

LEONARD DAVIS

UNITED STATES DISTRICT JUDGE