

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

COURTLAND LINDSAY

v.

CITY OF TYLER

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CIVIL ACTION NO. 6:14cv642

**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. 5) 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. City of Tyler*, Civil Action No. 6:13-cv-695.

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.

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

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE