

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

TYLER DIVISION

GEORGE LEE TUCKER, II, #786947 §
VS. § CIVIL ACTION NO. 6:14cv659
BRAD LIVINGSTON, ET AL. §

ORDER OF PARTIAL DISMISSAL

Plaintiff George Lee Tucker, II, an inmate confined in the Texas prison system, filed the present civil rights lawsuit in an effort to be permitted to fully exercise his religious beliefs as a member of the Nation of Gods and Earth (NOGE). The complaint was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation initially concluding that Tucker has stated a basis for a potentially meritorious lawsuit and that he should be permitted to proceed with his claims. The remainder of the Report concerned who should be included in the lawsuit as defendants. After discussing the law concerning this issue, Magistrate Judge Mitchell concluded that the Chaplains and members of the Religious Practices Committee identified by Tucker were appropriately included as defendants. A recommendation was made to dismiss the remaining defendants. Tucker filed objections. His objections focused on arguments that he should be allowed to proceed with his lawsuit, but that is not the issue. Magistrate Judge Mitchell found that he should be permitted to proceed with his lawsuit. The issue at hand concerns who should remain in the lawsuit and respond to his claims. Tucker has not shown that the recommendation on this issue was incorrect.

The Report of Magistrate Judge Mitchell, 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 to the Report, the Court is of the opinion that the

findings and conclusions of the Magistrate Judge are correct, and the objections raised by Tucker 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 Report and Recommendation (docket entry #37) is **ADOPTED**. It is further

ORDERED that Tucker is permitted to proceed with his claims against former Director of Chaplaincy Operations Bill Pierce, Region II Chaplain Don Lacy, Islamic Chaplain Akbar N. Shabazz and Coffield Unit Chaplain Danial Rose. It is further

ORDERED that Tucker's claims against all of the remaining defendants are **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1).

It is SO ORDERED.

SIGNED this 4th day of March, 2015.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE