

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

VACHON TOBIAS, #1459432

§

VS.

§

CIVIL ACTION NO. 6:14cv753

ANDREW J. ASHLEY, ET AL.

§

ORDER OF PARTIAL DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge John D. Love. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

**ORDERED** that the Plaintiff may proceed with his excessive use of force claim against Officer Andrew J. Ashley. It is further

**ORDERED** that the Plaintiff's claims against Officer Veronica M. Vargas, Lt. James L. Kelly and Sgt. Sergio Pena are **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1).

So **ORDERED** and **SIGNED** this 26th day of January, 2015.



**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**