

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

TYLER DIVISION

JAMES BELL MCCOY, #1299701                   §  
VS.   §                   CIVIL ACTION NO. 6:15cv553  
PAM PACE, ET AL.                           §

ORDER OF DISMISSAL

Plaintiff James Bell McCoy, an inmate confined in the Texas prison system, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge John D. Love, who issued a Third Report and Recommendation concluding that the lawsuit should be dismissed as frivolous. Plaintiff has filed objections.

The present lawsuit is Plaintiff's latest lawsuit against Michael Unit Practice Manager Pam Pace and Dr. Owen Murray. He complains that Pace has denied or delayed doctor prescribed medications. He further complains that Dr. Murray has implemented and/or maintained a policy of allowing the interruption of doctor prescribed medication. The Fifth Circuit dismissed his previous appeal raising these same claims as frivolous. *McCoy v. Murray*, 600 F. App'x 250, 251 (5th Cir. 2015). Magistrate Judge Love concluded that the present lawsuit should be dismissed as frivolous since Plaintiff raises the same claims that were previously unsuccessfully litigated. In his objections, Plaintiff asserts that his current lawsuit includes new facts, but he is still raising the same claims.

The Third Report of the Magistrate Judge, which contains 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 by Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by Plaintiff are without 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 Third Report and Recommendation (docket entry #29) is **ADOPTED**.

It is further

**ORDERED** that the civil rights complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is further

**ORDERED** that all motions not previously ruled on are **DENIED**.

**It is SO ORDERED.**

**SIGNED this 30th day of October, 2015.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE