

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

DARRELL J. HARPER #1957729 §
v. § CIVIL ACTION NO. 6:16cv62
UNITED STATES OF AMERICA §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Darrell Harper, proceeding *pro se*, filed this civil rights lawsuit complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The sole named Defendant is the United States of America.

Harper states that he is suing under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics* because federal officials in the Western District of Texas have engaged in reverse discrimination by unconstitutionally detaining for filing EEO complaints. He seeks \$100,000,000.00 in damages,

After review of the pleadings, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed as barred by sanctions previously imposed upon Harper by the Fifth Circuit Court of Appeals. The Magistrate Judge further observed that the United States has sovereign immunity against civil rights lawsuits seeking monetary damages. Harper filed objections arguing that he has been the victim of civil and constitutional rights violations, his previous lawsuits have been dismissed because he is black, the sanctions imposed on him are an “absolute nullity” because they permit the infliction of cruel and unusual punishment, and he has been the victim of “Jim Crowism” and obstruction of justice in violation of the Civil Rights Act of 1964. Harper’s

objections fail to mention the Magistrate Judge's conclusion that the United States is absolutely immune from suit for monetary damages and he fails to show that the sanctions imposed on him were improper or that the district court has the power to determine that sanctions imposed by the Fifth Circuit are a nullity. His objections are without merit.

The Court has conducted a careful *de novo* review of those portions of the Magistrate Judge's proposed findings and recommendations to which the Plaintiff objected. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.") Upon such *de novo* review, the Court has determined that the Report of the Magistrate Judge is correct and the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge (docket no. 4) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITH PREJUDICE** as frivolous and as barred by sanctions previously imposed upon Harper by the Fifth Circuit Court of Appeals. It is further

ORDERED that any and all motions which may be pending in this action are hereby **DENIED**.

So ORDERED and SIGNED this 16th day of April, 2017.



Ron Clark, United States District Judge