

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

JUVENAL GUEVARA JR. §
v. § CIVIL ACTION NO. 6:16cv68
WARDEN BAKER, ET AL. §

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

The Plaintiff Juvenal Guevara filed this civil rights lawsuit under 42 U.S.C. §1983 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.

Guevara was ordered to furnish a certified inmate trust account data sheet and to file an amended complaint setting out a short and plain statement of his claims. When he did not comply with these orders, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court.

In response to this Report, Guevara wrote a letter stating that he submitted an application for leave to proceed *in forma pauperis* with his complaint. He does not mention either a data sheet or an amended complaint, but states that he likes waking up in the morning even though he spits out blood. Guevara refers to persons using their “soul body” or “spirit body” to do a lot of physical harm or even killing a person, a theme which also appears in his original complaint, and asks “how can a person protect his rights while u are in denial right know [sic] on the 37 to 39 word backwards?” Records show that Guevara is currently at the Skyview Unit, a prison psychiatric

facility. If Guevara's letter is construed as objections to the Magistrate Judge's Report, such objections are without merit.

The Court has conducted a careful *de novo* review of the pleadings in this case, including the original complaint, the Report of the Magistrate Judge, and the Plaintiff's letter (docket no. 20) which has been construed as objections to the Report. Upon such *de novo* review, the Court has concluded 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. 17) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the that the above-styled civil action be and hereby is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court.

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

So **ORDERED** and **SIGNED** this 17 day of **November, 2016**.



Ron Clark, United States District Judge