

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

After review of the motion, the Magistrate Judge determined that Connally failed to meet any of the criteria for relief under Rule 60(b). Although Connally complained of “fraud on the court,” the Magistrate Judge concluded that this claim, which Connally did not substantiate, was not proven by clear and convincing evidence and thus not sufficient to show entitlement to relief under Rule 60(b)(3). The Magistrate Judge therefore recommended that Connally’s motion for relief from judgment be denied.

Connally received a copy of the Magistrate Judge’s Report on November 6, 2017. Although he subsequently filed a motion for extension of time to seek *in forma pauperis* status on appeal and for extension of time to file an appellate brief, he did not file objections to the Report; accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law.”) It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 70) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Plaintiff’s motion for relief from judgment (docket no. 67) is **DENIED**. Fed. R. Civ. P. 60(b).

So **ORDERED** and **SIGNED** this **12** day of **December, 2017**.



Ron Clark, United States District Judge