

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

DARRELL J. HARPER #1957729                   §  
v.   §       CIVIL ACTION NO. 6:16cv1034  
STATE OF TEXAS, ET AL.                   §

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 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. As Defendants, Harper names the State of Texas, the Texas Board of Pardons and Paroles, and Texas Governor Gregg Abbott.

In his complaint, Harper claimed that he was improperly tried in state court on charges of terroristic threat and retaliation, which should have been federal charges. He listed 55 other grounds upon which he is suing, including various allegations of racism and claims implicating the validity of his conviction.

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. Harper filed objections to this Report asserting that the sanctions imposed by the Fifth Circuit are indisputably meritless because they impose an unreasonable burden upon him based upon his age, race, and gender. Harper's objections are patently 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. 5) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the above-styled civil action is **DISMISSED WITH PREJUDICE** 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 **14** day of **June, 2017**.



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Ron Clark, United States District Judge