

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

REGINALD O. ROBINSON, #1673891 §
VS. § CIVIL ACTION NO. 6:16cv1040
DIRECTOR, TDCJ-CID §

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

Plaintiff Reginald Robinson, proceeding pro se and in forma pauperis, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights in the Texas Department of Criminal Justice, Correctional Institutions Division. 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 Magistrate Judge issued a Report, (Dkt. #12), recommending that Robinson's complaint be dismissed with prejudice. Robinson subsequently filed a response, (Dkt. #14), stating that he "would like to withdraw this suit."

The Court has reviewed the pleadings and the Report of the Magistrate Judge and has determined that this Report is correct. Nonetheless, Robinson's request for voluntary dismissal should be granted. See *Carter v. United States*, 547 F.2d 258, 259 (5th Cir. 1977) (plaintiff has absolute right to dismiss his complaint under Rule 41(a), Fed. R. Civ. P., prior to the filing of an answer or motion for summary judgment); see also *Thomas v. Phillips*, 83 F.App'x 661, 2003 WL 22965565 (5th Cir. Dec. 17, 2003) (citing *Carter*). Accordingly, it is

ORDERED that Robinson's request to withdraw his entire lawsuit, (Dkt. #14), is **GRANTED**. Further, it is

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** on the motion of the Plaintiff. Finally, it is

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

So Ordered and Signed

Apr 13, 2018



Ron Clark, United States District Judge