

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

CURTIS COPELAND #1746955 §
v. § CIVIL ACTION NO. 6:16cv1048
TEXAS DEPARTMENT OF HUMAN §
RESOURCES, ET AL.

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

The Plaintiff Curtis Copeland, a prisoner of the Texas Department of Criminal Justice, Correctional Institutions Division 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, Copeland named: the Texas Department of Human Resources; individuals named Phyllis Kidwell and Pam Depue, whom Copeland describes as employees of the Department; and Lane Phillips and Sam Bell, whom Copeland states are employees of the Youth and Family Enrichment Center.

After review of the pleadings and documents in the lawsuit, the Magistrate Judge issued a Report on March 22, 2017, recommending that the lawsuit be dismissed as frivolous and for failure to state a claim due to the expiration of the statute of limitations. Copeland filed a motion for extension of time in which to object, which was granted until May 25, 2017. On May 11, 2017, Copeland filed a motion asking for another copy of the Report. This request was granted and Copeland was given an extension of time to June 18, 2017, in which to file his objections. Despite these extensions which have given him ample time to respond, Copeland has not filed objections to

the Magistrate Judge's 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 that 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. 40) 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 for failure to state a claim upon which relief may be granted. It is further

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

So Ordered and Signed

Jul 6, 2017



Ron Clark, United States District Judge