

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

CURTIS COPELAND §
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 DENYING MOTIONS FOR RELIEF FROM JUDGMENT
AND FOR JUDGMENT ON THE PLEADINGS

The Plaintiff Curtis Copeland, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court referred the case 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 lawsuit was dismissed on July 6, 2017, based upon the expiration of the statute of limitations. On September 11, 2017, Copeland filed a motion for relief from judgment, followed by a letter motion docketed as a motion for judgment on the pleadings on October 19, 2017. Neither of these motions referred to the statute of limitations or otherwise discussed the basis for the dismissal of the lawsuit.

On October 31, 2017, the Magistrate Judge issued a Report recommending that the motions for relief from judgment and for judgment on the pleadings be denied. Copeland received a copy of this Report on November 6, 2017, but filed no objections thereto; 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. 56) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motions for relief from judgment (docket no. 54) and for judgment on the pleadings (docket no. 55) are **DENIED**.

So Ordered and Signed

Dec 18, 2017



Ron Clark, United States District Judge