

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

GARY LYNN KARL SR. §
v. § CIVIL ACTION NO. 6:16cv1342
BONNIE JENKINS §

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

The Plaintiff Gary Karl, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 in the form of a motion for injunctive relief, seeking an injunction against a Texas prison officer named Bonnie Jenkins. This Court referred the matter 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.

Karl's lawsuit is styled as a motion for an "Order to Show Cause for a Preliminary Injunction and a Temporary Restraining Order." He states that he is in fear for his life because Jenkins has repeatedly threatened him. She has keys to inmates' hospital rooms and can come into Karl's room at night when he is asleep. He asked for an injunction directing that Jenkins stay 100 yards away from him.

The Magistrate Judge reviewed the pleadings and issued a Report stating that a request for injunctive relief is not considered an independent cause of action, but a remedy sought to redress the wrongs alleged in the underlying substantive claims. Even if Karl's motion for injunctive relief were treated as an independent cause of action, the Magistrate Judge determined that Karl failed to meet the standards for injunctive relief. The Magistrate Judge therefore recommended that Karl's motion for injunctive relief be denied and the lawsuit be dismissed.

A copy of this Report was sent to Karl at his last known address, return receipt requested, but was returned as undeliverable. No objections to the Magistrate Judge's Report have been received; accordingly, Karl 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 proposed 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. 13) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for injunctive relief (docket no. 1) is **DENIED**. It is further

ORDERED that the above-styled civil action is **DISMISSED WITH PREJUDICE** for purposes of proceeding *in forma pauperis* 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** this **9** day of **August, 2017**.



Ron Clark, United States District Judge