

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

DARRELL J. HARPER, #1957729 §
VS. § CIVIL ACTION NO. 6:16cv1363
CLIFFORD A. BROWN, ET AL. §

ORDER OF DISMISSAL

Plaintiff Darrell J. Harper, an inmate confined at the Ellis Unit of the Texas prison system, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the lawsuit should be dismissed pursuant to sanctions imposed by the United States Court of Appeals for the Fifth Circuit. Mr. Harper has filed objections.

Mr. Harper brings this lawsuit concerning conditions at the Ellis Unit in Huntsville, Texas, which is located in the Southern District of Texas. He has not shown a basis for jurisdiction in this court. In his objections, Mr. Harper complains about the sanctions imposed against him. His complaints about the sanctions imposed by the Fifth Circuit must be presented to the Fifth Circuit, as opposed to this court. This court is obligated to comply with the orders issued by the Fifth Circuit. Magistrate Judge Love appropriately concluded that the lawsuit should be dismissed in accordance with the sanctions. The court may not consider Mr. Harper's claims due to the sanctions imposed by the Fifth Circuit.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Mr. Harper to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and Mr. Harper's objections are without merit. It is therefore

ORDERED that the cause of action is **DISMISSED** without prejudice as barred by the sanctions imposed by the Fifth Circuit. All motions not previously ruled on are **DENIED**.

So **ORDERED** and **SIGNED** this **5** day of **January, 2017**.



Ron Clark, United States District Judge