

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

TYLER DIVISION

BRANDON ELIAS HAND, #1361647 §
VS. § CIVIL ACTION NO. 6:17cv111
JOHN A. RUPERT, ET AL. §

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

Plaintiff Brandon Elias Hand (Hand), proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 alleging purported violations of his constitutional rights. The complaint was referred for findings of fact, conclusions of law, and recommendations for the disposition of the case.

After reviewing the Defendants' motions to dismiss, (Dkt. #15; 21; 25), this Court issued a Report recommending that the Defendants' motions to dismiss be granted and Plaintiff's claims against the Defendants be dismissed with prejudice. (Dkt. #27). A copy of this Report was sent to Hand at his address, return receipt requested. The docket demonstrates that Hand received a copy of the Report on January 30, 2018, (Dkt. #28). However, to date, no objections to the Report have been received.

Accordingly, Hand 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 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."). Accordingly it is

ORDERED that the Report of the Magistrate Judge, (Dkt. #27), is **ADOPTED** as the opinion of the Court. Moreover, it is

ORDERED that Defendants' motions to dismiss, (Dkt. #15; 21; 25) are **GRANTED**. Further, it is

ORDERED that the above-styled civil rights lawsuit is **DISMISSED** with prejudice. Finally, it is

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

So **ORDERED** and **SIGNED** this **6** day of **March, 2018**.



Ron Clark, United States District Judge