

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

CRAIG MACK, #612010

§

v.

§

CIVIL ACTION NO. 6:17cv350

TDCJ-CID, ET AL.

§

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

Plaintiff Craig Mack, pro se, filed this civil rights lawsuit under 42 U.S.C. § 1983. The cause of action was referred for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

After reviewing the pleadings in this case, the Magistrate Judge issued a Report, (Dkt. #4), recommending that his complaint be dismissed under 28 U.S.C. § 1915(g) because Mack has filed at least six previous lawsuits or appeals which have been dismissed, in whole or in part, as frivolous or for failure to state a claim upon which relief can be granted. The Magistrate Judge determined that Mack did not pay the full filing fee and failed to meet the imminent danger requirement, and thus could not proceed under the in forma pauperis statute. (Dkt. #4). A copy of this Report was sent to Mack at his address; return receipt requested. The docket shows that Mack received a copy of the Report on June 21, 2017. (Dkt. #6). However, to date, no objections to the Report have been filed and no filing fee has been paid.

Accordingly, Mack 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. #4), is **ADOPTED** as the opinion of the Court. Moreover, it is

ORDERED that Plaintiff's motion to proceed in forma pauperis, (Dkt. #2), is **DENIED**. Further, it is

ORDERED that Plaintiff's above-styled civil rights lawsuit is **DIMISSED** with prejudice as to the refiling of another in forma pauperis lawsuit raising the same claims as presented in this case, but without prejudice to the refiling of this lawsuit without seeking in forma pauperis status and upon payment of the full filing fee. Finally, it is

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

So Ordered and Signed

Apr 13, 2018



Ron Clark, United States District Judge