

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

LORENZO ESCUDERO, #878388 §
VS. § CIVIL ACTION NO. 6:17cv577
DISTRICT ATTORNEY JACK SKEEN, JR., §
ET AL.

ORDER OF DISMISSAL

Petitioner Lorenzo Escudero, an inmate confined at the Neal Unit of the Texas prison system, proceeding *pro se* and *in forma pauperis*, brings this lawsuit about a wide array of matters. The cause of action was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation (Dkt. #13) concluding that the lawsuit should be dismissed without prejudice for want of prosecution and failure to obey an order. Mr. Escudero has filed objections (Dkt. #15).

The original lawsuit includes claims that are both habeas and civil rights in nature. Judge Mitchell issued an order explaining the difference between the two types of cases. Mr. Escudero was ordered to submit an amended pleading on the requisite form, and it was left up to him whether to file a § 2254 form or a § 1983 form. Instead of complying with the order, Mr. Escudero filed a response defiantly refusing to comply with the order. Judge Mitchell thus issued the Report and Recommendation to dismiss the case. In his objections, Ms. Escudero once again refuses to obey the court's order. He presents a long discussion complaining about the legal system and the court.

The lawsuit should be dismissed for want of prosecution and failure to obey an order. FED. R. Civ. P. 41(b).

The Report of the Magistrate Judge, which contains her 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. Escudero to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and Mr. Escudero's objections are without merit. Therefore, the findings and conclusions of the Magistrate Judge are adopted as the findings and conclusions of the court. It is accordingly

ORDERED that the lawsuit is **DISMISSED** without prejudice for want of prosecution and failure to obey an order. FED. R. CIV. P. 41(b). All motions not previously ruled on are **DENIED**.

So Ordered and Signed

Dec 7, 2017



Ron Clark, United States District Judge