

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

ROBERT J. STERNS §
v. § CIVIL ACTION NO. 6:17cv685
JEFF CATOE, ET AL. §

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The Plaintiff Robert Sterns, a prisoner of the Texas Department of Criminal Justice, Correctional Institutions Division proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. This Court referred the matter to the Honorable K. Nicole Mitchell, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court.

Plaintiff complained of the conditions of confinement at the Coffield Unit of the Texas Department of Criminal Justice, Correctional Institutions Division. The magistrate judge ordered prison officials to furnish a report consisting of Plaintiff's medical, grievance, and classification records, along with any other records, incident reports, or investigations concerning his claims. See *Martinez v. Aaron*, 570 F.2d 317, 319 (10th Cir. 1978); *Parker v. Carpenter*, 978 F.2d 190, 191-92 n.2 (5th Cir. 1992). Sterns was provided with a copy of the *Martinez* Report and filed a response.


After review of the pleadings and the report in light of 28 U.S.C. §1915A and the pleading standards set out by the Supreme Court in *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), the magistrate judge recommended that the lawsuit be dismissed as frivolous and for failure to state a claim upon which relief may be granted. The court has received and considered the Report and Recommendation of the United States Magistrate Judge, along with the record, pleadings and all available evidence.

Plaintiff filed objections essentially reiterating the allegations of his complaint. The court conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes Plaintiff's objections lack merit.

ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. The lawsuit is **DISMISSED WITH PREJUDICE** for purposes of proceeding *in forma pauperis* as frivolous and for failure to state a claim upon which relief may be granted. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations. All motions not previously ruled upon are hereby **DENIED**.

SIGNED this the **28** day of **June, 2019**.



Thad Heartfield
United States District Judge