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

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ASHICK KATREL CROSS, #1779800, § § §

Plaintiff,

v.

MABLE G. SWEAT, MICHAEL JACKSON. CASTEEL. HOUSTON DEREK W. LIGHT, MATTHEW L. BENTON, CAROL MONROE,

§ § Defendants.

CIVIL ACTION NO. 6:18-CV-00276-RAS

ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On June 18, 2019, the Magistrate Judge issued a Report and Recommendation (Doc. No. 42), recommending that Warden Monroe's Motion to Dismiss (Doc. No. 31) be granted-in-part and denied-in-part and that Plaintiff's Motion for Ruling Denying Defendant's Motion to Dismiss (Doc. No. 37) be denied as moot. Plaintiff acknowledged receipt of this Report and Recommendation on June 26, 2019. (Doc. No. 44.) No objections to the Report and Recommendation have been presented for consideration within the prescribed time period for such objections. Therefore, the court adopts the Report and Recommendation of the United States Magistrate Judge (Doc. No. 42) as the findings of this court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Doc. No. 42) is ADOPTED, Warden Monroe's Motion (Doc. No. 31) is GRANTED-IN-PART and **DENIED-IN-PART**, and Plaintiff's Motion (Doc. No. 37) is **DENIED** as **MOOT**.

Specifically, the court **ORDERS** that Warden Monroe is dismissed in his official capacity, but the claims against Warden Monroe in his individual capacity survive.

SIGNED this the 29th day of September, 2019.

RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE