

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

KEVIN JAMES KOHUTE,

Plaintiff,

v.

ALICIA MOUTON, MINNIE WINSTON,

Defendants.

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CIVIL ACTION NO. 6:18-CV-00282-JDK

**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 October 2, 2018, the Magistrate Judge issued a Report and Recommendation (Docket No. 6), recommending that Plaintiff’s complaint be dismissed with prejudice for failure to state a basis for jurisdiction or allege a claim upon which relief can be granted. On October 5, 2018 Plaintiff received a copy of the Magistrate Judge’s Report and Recommendation. Docket No. 7. The Report and Recommendation informed Plaintiff of his rights to object to the Report and Recommendation within 14 days, and further informed him that a failure to timely object shall bar “*de novo* review by the district judge of those findings, conclusions and recommendations and, except on grounds of plain error, from appellate review of unobjected-to factual findings and legal conclusions accepted and adopted by the district court.” Docket No. 6 at 3 (citing *Douglass v. United States Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996)). Since the service of the Report and Recommendation on October 5, 2018, Plaintiff has not filed objections and the prescribed time


period for doing so has passed.

Having reviewed the findings and conclusions of the Magistrate Judge, the Court agrees with the Magistrate Judge. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the complaint is hereby **DISMISSED WITH PREJUDICE**.

Signed this

Dec 14, 2018



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE