

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00605

Bobby Lee Thompson,

Plaintiff,

v.

Gregg County Jail et al.,

Defendants.

ORDER

Plaintiff Bobby Lee Thompson, a former prisoner of the Gregg County Jail proceeding pro se, filed this lawsuit concerning the medical care he received while confined in the jail. Doc. 1. The case was referred to United States Magistrate Judge K. Nicole Mitchell. Doc. 3.

After plaintiff filed an amended complaint (Doc. 9), which deleted and thus effectively dismissed defendant Gregg County Medical Staff, the magistrate judge issued a report recommending dismissal, without prejudice, of the defendants Dr. McDermott and Gregg County Jail for failure to state a claim upon which relief may be granted. Doc. 23. Defendants Dr. White and Nurse Garvin were ordered to answer the lawsuit (Doc. 21), and they filed a motion for summary judgment based upon exhaustion of administrative remedies (Doc. 33). The magistrate judge issued a report recommending that this motion be granted and the claims against these defendants also be dismissed without prejudice. Doc. 34.

Copies of the magistrate judge's reports have been sent to plaintiff but were returned as undeliverable. Docs. 24, 35. Prison records show plaintiff was released on parole on September 10, 2021. To date, plaintiff has not advised the court of his current mailing address or present whereabouts. The complaint form he filed acknowledges that it is his responsibility to keep the court informed of his current mailing address and failure to do so could

result in dismissal of the lawsuit. No objections have been filed to the magistrate judge's report.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's reports, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Docs. 23, 34. Plaintiff's claims are dismissed without prejudice against defendant Gregg County Medical Staff. Plaintiff's claims are further dismissed without prejudice for failure to state a claim upon which relief may be granted as to defendants Dr. McDermott and Gregg County Jail. Defendants Dr. White and Nurse Garvin's motion for summary judgment (Doc. 33) is granted. Plaintiff's claims are dismissed without prejudice for failure to exhaust administrative remedies as to Dr. White and Nurse Garvin.

So ordered by the court on May 10, 2022.



J. CAMPBELL BARKER
United States District Judge