

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

JAMIE LEE COKER,

Plaintiff,

v.

CHERYL EGAN,

Defendant.

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Case No. 6:21-cv-5-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Jamie Lee Coker, a Texas Department of Criminal Justice prisoner proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition.

The Magistrate Judge ordered Plaintiff to pay the statutory filing fee or submit an *in forma pauperis* application and a certified inmate trust account data sheet, as required by 28 U.S.C. § 1915(b). After Plaintiff did not comply, the Magistrate Judge issued a Report recommending that the Court dismiss this lawsuit without prejudice for failure to prosecute or to obey an order of the Court. A copy of this Report was sent to Plaintiff, and Plaintiff acknowledged receipt of the Report on April 27, 2021. Docket No. 37. No objections have been filed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court

examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 36) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED** without prejudice for failure to prosecute or to obey a Court order.

It is further **ORDERED** that in order to prevent this dismissal from acting as a dismissal with prejudice by reason of limitations, the statute of limitations is **SUSPENDED** for a period of 90 days following the date of entry of final judgment.

All pending motions are **DENIED** as moot.

So **ORDERED** and **SIGNED** this 4th day of **June, 2021**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE