

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

SAMUEL JACKSON, #1151723,

Plaintiff,

v.

SGT. MABLE SWEAT, et al.,

Defendants.

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Case No. 6:21-cv-323-JDK-KNM

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


Plaintiff Samuel Jackson, a Texas Department of Criminal Justice inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

Before the Court are Defendants Mable Sweat, Susan Cunningham, and David Sieg’s motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(6) (Docket No. 65), Defendant Maria Ponce’s motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(6) (Docket No. 73), and Plaintiff Jackson’s motion for judgment on the pleadings (Docket No. 78). On August 21, 2024, Judge Mitchell issued a Report recommending that the Court grant Defendants’ motions and deny Plaintiff’s motion. The Report further recommends that the Court dismiss Plaintiff’s claims against unserved Defendants Warren and McElyea. Docket No. 80. Plaintiff filed objections. Docket No. 84.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 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 Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Having conducted a de novo review of the record in this case and the Magistrate Judge's Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 80) as the opinion of the District Court. The Court **GRANTS** Defendants Sweat, Cunningham, and Sieg's motion to dismiss (Docket No. 65), **GRANTS** Defendant Ponce's motion to dismiss (Docket No. 73), and **DENIES** Plaintiff Jackson's motion for judgment on the pleadings (Docket No. 78). Plaintiff's claims against Defendants in their individual capacities are **DISMISSED** with prejudice for failure to state a claim upon which relief may be granted. It is further **ORDERED** that Plaintiff's claims against unserved Defendants Warren and McElyea are **DISMISSED** with prejudice for failure to state a claim upon which relief may be granted.

So **ORDERED** and **SIGNED** this **25th** day of **September, 2024**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE