

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

DENNIS W. PARTAKA, et al.,

Plaintiffs,

v.

FNU JOHNSON, et al.,

Defendants.

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Case No. 6:24-cv-31-JDK-JDL

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

Plaintiff Jonathan Pendelton, a former Texas Department of Criminal Justice inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.

On April 17, 2024, Judge Love issued a Report and Recommendation recommending that the Court dismiss this case with prejudice for failure to state a claim upon which relief can be granted and deny any request by Plaintiff seeking a class action proceeding in this case. Docket No. 24. Plaintiff objected. Docket No. 26.


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 Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other*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). However, conclusory or general objections need not be considered by the District Court. *See Gonzales v. Collier*, 2023 WL 5473699, at *1 & n.2 (S.D. Tex. Aug. 24, 2023) (citing *Aldrich v. Bock*, 327, F. Supp. 2d 743, 747 (E.D. Mich. 2004) (“An objection that does nothing more than state a disagreement with a magistrate [judge’s] suggested resolution, or simply summarizes what has been presented before, is not an ‘objection’ as that term is used in this context.”)).

Here, Plaintiff’s objections fail to address the substance of the Magistrate Judge’s Report. Rather, he maintains that the “plaintiffs are not going to let the defendants get away with this.” Docket No. 26. Plaintiff identifies no error in the Report. Further, Plaintiff’s mere “Notice” of an intent to file a class action (Docket No. 27) is insufficient.

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. 11) as the opinion of the District Court. Plaintiff’s claims are **DISMISSED** with prejudice for failure to state a claim upon which relief can be granted. Any request for class certification is **DENIED**.

So ordered and signed on this
Jun 3, 2024



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE