

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

CHRISTOPHER HEARD #131666,
Plaintiff,
v.
GREGG COUNTY MEDICAL STAFF,
et al.,
Defendants.
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Case No. 6:24-cv-387-JDK-JDL

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

Plaintiff Christopher Heard, then an inmate of the Greg County Jail
proceeding pro se and in forma pauperis, filed this civil rights lawsuit alleging
violations of his constitutional rights in jail. The case was referred to United States
Magistrate Judge John D. Love for findings of fact, conclusions of law, and
recommendations for disposition of the action.

On November 20, 2024, Judge Love issued a Report recommending that the
case be dismissed with prejudice as frivolous and for failure to state a claim pursuant
to 28 U.S.C. §§ 1915A(b) and 1915(e)(2). Docket No. 9. A copy of the Report was sent
to Plaintiff at his last known address but was returned as undeliverable. Docket
No. 11. Plaintiff is no longer in jail and has not advised the Court of his current
mailing address as required by the local rules and an order of the Court. See Loc. R.
CV-11(d) (“A pro se litigant . . . is responsible for keeping the clerk advised in writing
of his or her current physical address.”); Docket No. 4 at 3 (ordering Plaintiff to “keep

the Court apprised at all times of his current address”); *cf. also Aguirre-Castillo v. United States*, 2004 WL 594105, at *1 (N.D. Tex. Feb. 26, 2004) (explaining that “Section 1915A does not require that a plaintiff be given notice of an impending dismissal”). Plaintiff has not filed any objections.


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 Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).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 the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 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. 9) as the findings of this Court. It is

therefore **ORDERED** that this case is **DISMISSED** with prejudice for failure to state a claim upon which relief can be granted.

So **ORDERED** and **SIGNED** this 3rd day of **January, 2025**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE