

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

TERRENCE HAZEL §
v. § CIVIL ACTION NO. 9:08cv216
OLIVER BELL, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
ON PLAINTIFF'S MOTION FOR RECONSIDERATION

The Plaintiff Terrence Hazel, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Hazel challenged the conditions of confinement within the Texas Department of Criminal Justice, Correctional Institutions Division. The Magistrate Judge conducted an evidentiary hearing and ordered the Defendants to answer the lawsuit. On January 8, 2010, the Magistrate Judge issued a Report recommending that the Defendants' motion for summary judgment be granted and that the lawsuit be dismissed with prejudice. Hazel filed objections to the Report, but the Court determined after a *de novo* review that these had no merit. The lawsuit was dismissed on March 18, 2010.

On March 29, 2010, Hazel filed a motion for reconsideration of the final judgment. On June 16, 2010, the Magistrate Judge issued a Report recommending that this motion be denied. Hazel did not object to this Report; instead, on June 24, 2010, he filed a "notice of intent to terminate proceedings." Because Hazel did not object to the Report, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of

plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings and the Report of the Magistrate Judge in this case and has determined that this Report is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for reconsideration of the final judgment (docket no. 115) is hereby DENIED.

So **ORDERED** and **SIGNED** this **12** day of **August, 2010**.



Ron Clark, United States District Judge