

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

CHESTER FINNEY §
VS. § CIVIL ACTION NO. 9:14cv161
TRACY WALTERS, ET AL. §

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Chester Finney, an inmate at the Gib Lewis Unit, proceeding *pro se*, brought the above-styled lawsuit pursuant to 42 U.S.C. § 1983 against Tracy Walters and the University of Texas Medical Branch.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the defendants' motion to dismiss should be granted as to defendant the University of Texas Medical Branch and as to defendant Tracy Walters in her official capacity. However, the Magistrate Judge recommends the defendants' motion to dismiss be denied as to plaintiff's claims against defendant Walters in her individual capacity.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. It is therefore

ORDERED that the defendants' motion to dismiss is **GRANTED** as to defendant the University of Texas Medical Branch and defendant Tracy Walters in her official capacity. Additionally, it is

ORDERED that the defendants' motion to dismiss is **DENIED** as to plaintiff's claims against defendant Walters in her individual capacity.

So ORDERED and SIGNED this 28th day of March, 2017.

A handwritten signature in cursive script, appearing to read "Ron Clark".

Ron Clark, United States District Judge