
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JOHN PARKS TROWBRIDGE, JR.,

Plaintiff,

v.

KEITH GIBLIN,

Defendant.

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CIVIL ACTION NO. 9:16-cv-86

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

This case was referred to the Honorable Zack Hawthorn, United States Magistrate Judge, for all pretrial matters pursuant to General Order 05-07. Pending before the court is the “Motion to Dismiss” (Doc. No. 25) filed by United States Magistrate Judge Keith Giblin (“Giblin”). The court has received and considered Judge Hawthorn’s report and recommendation, which recommends that the court grant Giblin’s motion to dismiss. Doc. No. 5. The Plaintiff, John Parks Trowbridge, Jr. (“Trowbridge”), proceeding *pro se*, filed objections to the report and recommendation. Doc. No. 7.¹

A party who files timely written objections to a magistrate judge’s report and recommendation is entitled to a *de novo* determination of those findings or recommendations to which the party specifically objects. 28 U.S.C. § 636(b)(1)(c); FED. R. CIV. P. 72(b)(2)-(3). “Parties filing objections must specifically identify those findings [to which they object]. Frivolous, conclusive or general objections need not be considered by the district court.” *Nettles*

1. Trowbridge also filed a “Motion to Remand and Objection to This Proceeding for Marcia A. Crone’s Lack of Authority to Exercise the Judicial Power of the United States or Enter Judgment in this Case; and Motion to Remand.” (Doc. No. 9.) The court is not considering that motion as Trowbridge subsequently filed a voluntary withdrawal of that motion. (Doc. No. 11.) Because it is unclear whether Trowbridge also intended to withdraw his previously filed objections (Doc. No. 7), out of an abundance of caution, the court will consider those objections.

v. Wainwright, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc).

The court has undertaken a *de novo* determination of the report and recommendation, and the court concludes that Trowbridge's objections are without merit. It is, therefore, **ORDERED** that Judge Hawthorn's report and recommendation is **ADOPTED**. Giblin's motion to dismiss (Doc. No. 4) is granted in accordance with the magistrate judge's report and recommendation and all other pending motions are **DENIED AS MOOT**. A final judgment will be entered separately.

SIGNED at Beaumont, Texas, this 20th day of March, 2017.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE