

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

LAJOHN F. WILSON, JR. §
VS. § CIVIL ACTION NO. 9:16-CV-112
SAMUEL A. BRADSHAW §

MEMORANDUM ORDER OVERRULING OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Lajohn F. Wilson, Jr., a prisoner confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, brings this action pursuant to 42 U.S.C. § 1983 against defendant Samuel A. Bradshaw.

The court referred this matter to the Honorable Keith Giblin United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends defendant Bradshaw's Motion for Summary Judgment for failure to exhaust administrative remedies be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleading. After careful review, the Court finds the objections lacking in merit. Plaintiff has not demonstrated beyond his conclusory allegation that his grievance was intentionally destroyed. *Kidd v. Livingston*, 463 F. App'x 311, 313 (5th Cir. 2012); *Garner v. Moore*, 536 F. App'x 446, 449 (5th Cir. 2013); *Wiley v. Civigenics*, 2009 WL 260948 at *1-2 (E.D. Tex. Feb. 3 2009). Plaintiff did not properly exhaust his administrative remedies.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A Final Judgment will be entered in accordance with the recommendations of the Magistrate Judge.

So **ORDERED** and **SIGNED** September 5, 2018.



Ron Clark, Senior District Judge