

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

JOE PARKER §
VS. § CIVIL ACTION NO. 9:17-CV-122
JUAN A. TORRES §

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

Plaintiff, Joe Parker, a prisoner confined at the Eastham Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendant Juan Torres.

The court referred this matter to the Honorable Zack Hawthorn United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this civil rights action be dismissed pursuant to 28 U.S.C. § 1915(g).

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 pleadings. Plaintiff filed objections to the Report and Recommendation of United States Magistrate Judge. This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court finds the objections lacking in merit. Plaintiff fails to allege he was in imminent danger of serious physical injury at the time he filed this lawsuit as he complains about events in 2015. Plaintiff has also failed to pay the full filing fee in order to proceed.

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**. Plaintiff has thirty (30) days from entry below to pay the full \$400.00 filing fee. Failure to comply will result in dismissal of this case for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

So **ORDERED** and **SIGNED** this **26** day of **September, 2017**.



Ron Clark, United States District Judge