Burke v. Payne et al Doc. 5

**UNITED STATES DISTRICT COURT** **EASTERN DISTRICT OF TEXAS**

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|---|---|---|
| JAMES ALAN BURKE, JR., | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| *versus* | § | CIVIL ACTION NO. 9:24-CV-64 |
| | § | |
| JAMES PAYNE, *et al.*, | § | |
| | § | |
| Defendants. | § | |

**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff James Alan Burke, Jr., an inmate confined at the Shelby County Jail, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983. 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 dismissing the action without prejudice. To date, the parties have not filed objections to the report.

The court received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the Report and Recommendation of the United States Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 3rd day of June, 2024.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

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