

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

MITCHELL WAGNER,)
TDCJ ID No. 1543049, SID No. 2396387,)
Previous TDCJ ID Nos. 875647, 995563,)
)
Plaintiff,)
)
v.)
)
GILBERT CAMPUZANO,)
Regional Director TDCJ, Region VI,)
et al.,)
Defendant.)

CIVIL ACTION NO.
1:12-CV-205-C
ECF

ORDER

The United States Magistrate Judge entered a Report and Recommendation on March 1, 2013, and Plaintiff filed his objections on March 15, 2103.

The undersigned United States District Judge has made an independent examination of the record in this case and has examined the findings, conclusions, and recommendations of the Magistrate Judge as well as the specific objections of the Plaintiff. The Court finds that Plaintiff’s objections should be overruled in all things, and the Court accepts and adopts the findings, conclusions, and recommendation of the Magistrate Judge.

It is, therefore, ORDERED that

- (1) Plaintiff’s federal claims are **DISMISSED WITH PREJUDICE AS FRIVOLOUS.**
- (2) To the extent Plaintiff has stated any state law claims under the Texas Religious Freedom Restoration Act (TRFRA), this Court declines to exercise supplemental jurisdiction because the federal claims are dismissed. *St. Germain v. Howard*, 556 F.3d 261, 263-264 (5th

Cir. 2009) (citing 28 U.S.C. § 1367(c)). Consequently, such state law claims are **DISMISSED WITHOUT PREJUDICE**.

(3) Judgment shall be entered accordingly.

(4) This dismissal shall count as a qualifying dismissal under 28 U.S.C. § 1915(g) and *Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1996).

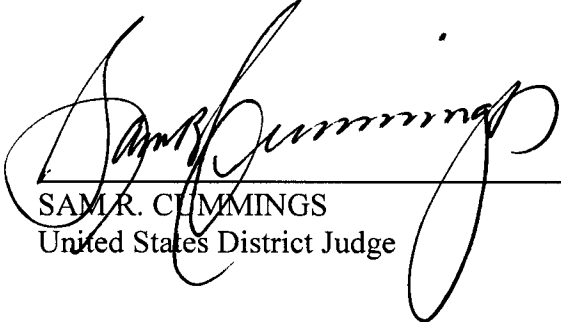
(5) Dismissal of this action does not release Plaintiff or the institution where he is incarcerated from the obligation to pay any filing fee previously imposed. *See Williams v. Roberts*, 116 F.3d 1126, 1128 (5th Cir. 1997).

(6) A copy of this order shall be sent to all parties appearing *pro se* by first class mail and to any attorney of record by first class mail or electronic notification.

(7) Plaintiff is advised that if he appeals this Order, he will be required to pay the appeal fee of \$455.00 pursuant to the PLRA, and he must submit an application to proceed *in forma pauperis* and a 6-month Certificate of Inmate Trust Account at the same time he files his notice of appeal.

(8) Any pending motions are **DENIED**.

Dated September 11, 2013.



SAM R. CUMMINGS
United States District Judge