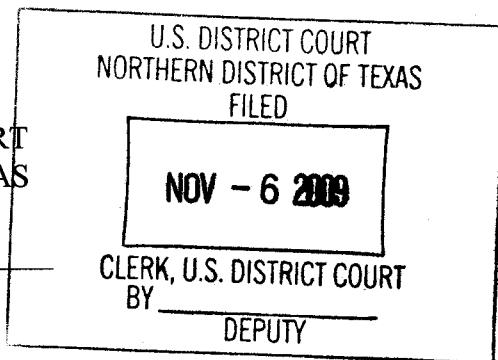


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



ELIJIO SANCHEZ, PRO SE,
TDCJ-CID No. 309155,

Plaintiff,

v.

JOHN ADAMS, PAUL SLOAN, and
JAMIE BAKER,

Defendants.

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2:09-CV-0237

ORDER OF DISMISSAL

Plaintiff ELIJIO SANCHEZ, acting *pro se* and while a prisoner confined in the Texas Department of Criminal Justice, Institutional Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-referenced defendants and was granted permission to proceed *in forma pauperis*.

On September 21, 2009, a Report and Recommendation was issued by the United States Magistrate Judge recommending the instant cause be dismissed with prejudice to being asserted again until the *Heck* conditions are met, and without prejudice for failure to state a claim on which relief can be granted.

The period for objections has expired, and plaintiff has failed to file objections to the September 21, 2009 Report and Recommendation

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by

the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the instant cause is DISMISSED WITH PREJUDICE TO BEING ASSERTED AGAIN UNTIL THE *HECK* CONDITIONS ARE MET¹, AND WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.


LET JUDGMENT BE ENTERED ACCORDINGLY.

All pending motions are DENIED.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

IT IS SO ORDERED.

ENTERED this 6th day of November, 2009.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE

¹ *Johnson v. McElveen*, 101 F.3d 423, 424 (5th Cir. 1996).