

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

TOMMY EARL JORDAN,	§	
Plaintiff,	§	
	§	
v.	§	3:11-CV-1026-K
	§	
GARY FITZSIMMONS, et al.,	§	
Defendants.	§	

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. Plaintiff filed documents on September 21, 2011, which the Court construes as objections, and the District Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. Further, Plaintiff filed Objections on September 29, 2011. The objections are overruled, and the Court **ACCEPTS** the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

Further, the Court **DENIES** Plaintiff's letter motion requesting copies of unspecified documents free of charge (Doc. 13) and Plaintiff's motion requesting that the Court order the Clerk to serve the Defendants. (Doc. 17)

The Court **CERTIFIES** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3). In support of this finding, the Court adopts and incorporates by reference the Order accepting the findings, conclusions and

recommendation of the magistrate judge. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the above Order, the Court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

SO ORDERED.

Signed this 3rd day of October, 2011.

A handwritten signature in black ink that reads "Ed Kinkeade". The signature is written in a cursive style with a horizontal line underneath it.

ED KINKEADE
UNITED STATES DISTRICT JUDGE