

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

OSIRIS E. LOPEZ,

Plaintiff,

v.

DART OFFICER, et al.,

Defendants.

§
§
§
§
§
§
§
§
§

Civil Action No. **3:12-CV-0512-L**

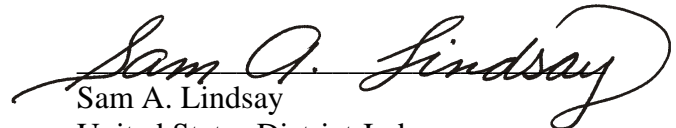
ORDER

Before the court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, filed May 21, 2012. Plaintiff did not file any objections.

Osiris Lopez (“Plaintiff”) filed this *pro se* action pursuant to 42 U.S.C. § 1981 (prohibiting race discrimination), 18 U.S.C. § 1512 (prohibiting witness tampering), 18 U.S.C. § 3771 (the Crime Victims Rights Act), and either the Texas Whistleblower’s Act or the federal Whistleblower Protection Act. Plaintiff asserts that on February 9, 2012, while riding the DART train, he was stopped by DART officers who checked whether he had the appropriate fare and was given a citation without having the opportunity to explain that he was with a homeless program. He seeks redress based on the failure of the state court system and the welfare system to provide proper fare and identification for homeless persons. The magistrate judge concluded that Plaintiff has not pleaded enough facts to state a plausible claim under any of the abovementioned statutes. Further, 18 U.S.C. § 1512 and 18 U.S.C. § 3771 do not provide for a private right of action. The magistrate judge recommends that this case be dismissed as frivolous.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct. They are therefore **accepted** as those of the court. Accordingly, the court **dismisses** this case as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B).

It is so ordered this 18th day of June, 2012.


Sam A. Lindsay
United States District Judge