

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

MARK A. CHRISTENSEN,
#09220-046,

Plaintiff,

v.

EDDY MEJIA, et al.,

Defendants.

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Civil Action No. **3:15-CV-854-L**

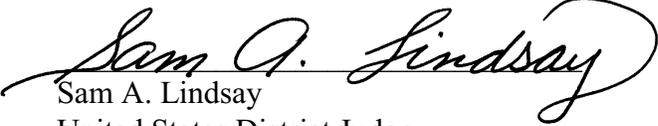
ORDER

Before the court is Defendant Joseph Capps, M.D.’s Motion to Dismiss (Doc. 64), filed March 8, 2016. On September 29, 2016, Magistrate Judge Renée Harris Toliver entered the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”), recommending that the court grant Defendant Joseph Capps, M.D.’s (“Dr. Capps”) motion to dismiss, dismiss with prejudice Plaintiff’s claim against Dr. Capps for alleged Eighth Amendment constitutional violations, and not allow Plaintiff a further opportunity to amend his pleadings. Plaintiff filed objections to the Report, which were docketed on October 14, 2016.

Having reviewed the file, record in this case, and Report, and having conducted a de novo review of that portion of the Report to which objection was made, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **overrules** Plaintiff’s objections, **grants** Defendant Joseph Capps, M.D.’s Motion to Dismiss (Doc. 64), and **dismisses with prejudice** Plaintiff’s claim against Dr. Capps for alleged Eighth Amendment constitutional violations. Further, the court expressly determines, pursuant to Federal Rule of Civil Procedure 54(b), that there is no just reason to delay the entry of

final judgment in this case as to Defendant Joseph Capps, M.D. and **directs** the clerk of the court to enter a final judgment as to Dr. Capps.

It is so ordered this 26th day of October, 2016.


Sam A. Lindsay
United States District Judge