

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

HOWARD BLAIN DUDLEY,)
)
Plaintiff,)
)
VS.)
)
JUDGE J. NIELL, 18th State District)
Court, Johnson County, Texas, ET AL.,)
)
Defendants.)

CIVIL ACTION NO.
3:15-CV-1434-G (BK)

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

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. No objections were filed. The district court reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the court **ACCEPTS** the findings, conclusions, and recommendation of the United States Magistrate Judge.

It is therefore **ORDERED** that plaintiff's claims seeking to enjoin his pending state criminal cases are **DISMISSED** without prejudice in accordance with the

abstention doctrine in *Younger v. Harris*, 401 U.S. 37, 41 (1971), that the claims challenging the building code violation are **DISMISSED** without prejudice for want of jurisdiction, and that the claims challenging the imposition of mandatory drug testing and seeking habeas relief are **DISMISSED** without prejudice to be reasserted in a habeas corpus action.

It is further **ORDERED** that any claims brought on behalf of plaintiff's wife and two of his daughters are **DISMISSED** without prejudice to the wife and daughters filing their own actions if appropriate.

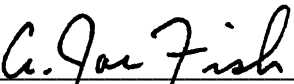
The court prospectively **CERTIFIES** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a)(3). In support of this finding, the court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the findings and recommendation, 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).^{*} In the event of an appeal, plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court,

^{*} Federal Rule of Appellate Procedure 4(a) governs the time to appeal an order. A timely notice of appeal must be filed even if the district court certifies an appeal as not taken in good faith.

U.S. Court of Appeals for the Fifth Circuit. See *Baugh*, 117 F.3d at 202; FED. R. APP.

P. 24(a)(5).

November 6, 2015.



A. JOE FISH
Senior United States District Judge