

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

GARY ANTHONY COLE, SR, #22707-077 §
Plaintiff, §

v. §

3:15-CV-1875-M-BK

FRITO LAYS, et al., §
Defendants. §

**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, but on November 12, 2016, Plaintiff filed a motion to correct errors and cure deficiencies. Doc. 20.

As in his Rule 60(b) motion, Plaintiff seeks reconsideration of the order dismissing his case as barred by the three-strike provision. Contrary to Plaintiff’s assertions, however, the three strikes provision of section 1915(g) applies when “a prisoner bring[s] a civil action or appeal[s] a judgment in a civil action or proceeding.” 28 U.S.C. § 1915(g).

The District Court has 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.

IT IS THEREFORE ORDERED that Plaintiff’s Rule 60(b) motion and motion to correct errors and cure deficiencies are **DENIED**. Doc. 17; Doc. 20. The Clerk of the Court is **DIRECTED** to accept no further pleadings in this case, except a notice of appeal.

SO ORDERED this 4th day of January, 2017.


BARBARA M. G. LYNN
CHIEF JUDGE