

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

JOSEPH S. BLIMLINE, #18029-078,	§	
Plaintiff,	§	
	§	
v.	§	3:15-CV-3166-D
	§	
THIRTY UNKNOWN EMPLOYEES OF THE SECURITIES AND EXCHANGE COMMISSION, et al.,	§	
Defendants.	§	

ORDER

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

Plaintiff's motion in his objections to recuse the magistrate judge is denied. He did not move to recuse her until after she recommended that his lawsuit be dismissed. Moreover, the court is deciding this matter *de novo*, meaning that it has independently concluded that this action should be dismissed until plaintiff satisfies the conditions set forth in *Heck v. Humphrey*, 512 U.S. 477 (1994).

Plaintiff's December 1, 2015 motion for default judgment is denied.

Accordingly, it is ordered that this action is summarily dismissed with prejudice as frivolous until such time as plaintiff satisfies the conditions set forth in *Heck*. See 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). This dismissal will count as a "strike" or "prior occasion" within the meaning of 28 U.S.C. § 1915(g).

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—which the court has reviewed *de novo*—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, United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

SO ORDERED.

December 30, 2015.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE