

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

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| ARTHUR CARSON, | § | |
| | § | |
| Plaintiff, | § | |
| v. | § | Civil Action No. 3:17-CV-1493-L |
| | § | |
| SOFIA HERNANDEZ and | § | |
| VOA/PRARIE CREEK VILLAGE APT., | § | |
| | § | |
| Defendants. | § | |

ORDER

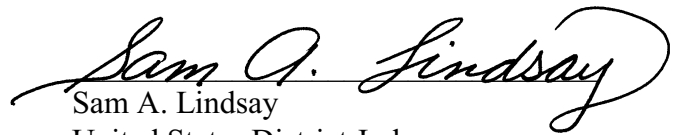
The case was referred to Magistrate Judge Renée Harris Toliver, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on July 26, 2018, recommending that the court dismiss with prejudice this action by *pro se* Plaintiff Arthur Carson (“Plaintiff”) under 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim upon which relief can be granted. The magistrate judge further recommended that Plaintiff not be allowed to amend his pleadings because it appears from his Complaint and response to the Magistrate Judge’s Questionnaire that he has pleaded his best case and allowing him to replead would be futile. Plaintiff filed objections to the Report on August 7, 2018, and, on September 25, 2018, Plaintiff filed a Request for Redaction of His Home Address from Pacer’s Website (Doc. 12), requesting that his home address not be displayed on “Pacer’s website” because this disclosure invaded his privacy and subjected him and the occupants of his home to imminent harm and harassment.

After carefully reviewing the pleadings, 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, **accepts** them as

those of the court, **overrules** Plaintiff's objections, and **dismisses with prejudice** this action pursuant to 28 U.S.C. § 1915(e)(2)(B). Plaintiff did not object to the magistrate judge's recommendation that he not be allowed to amend his pleadings, so any objection in this regard is **waived**, such that the court will not allow him to amend his pleadings. The court also **denies** Plaintiff's Request for Redaction of His Home Address from Pacer's Website (Doc. 12). All of the documents filed in this case by Plaintiff include his address and have been publicly available during the past several months that this action has been pending, and Plaintiff's conclusory assertions regarding privacy concerns and harm are unsubstantiated.

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 certification, the court **incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court **concludes** 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 United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 30th day of October, 2018.


Sam A. Lindsay
United States District Judge