

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

DONNY WELCH,)	
Institutional ID No. 1375713,)	
SID No. 7441051,)	
)	
Plaintiff,)	CIVIL ACTION NO.
)	5:10-CV-00026-C
v.)	
)	
TEXAS TECH UNIVERSITY)	
HEALTH SCIENCES CENTER, <i>et al.</i> ,)	
)	
Defendants.)	ECF

ORDER

Plaintiff Donny Welch, filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 against Defendants Texas Tech University Health Sciences Center, Lanette Linthicum, Dr. Denise Shields, Michael Anderson, Harry Edwards, Bonnie Delgarza, Venita Hamilton, George Allen, Ms. NFN Woodall, Ms. NFN Conner, Dr. NFN McDonald, Dr. NFN Manning, Mr. NFN Harralson, John Wells, Billy Taylor, Andy Derler, Dr. Dana Bulter, and Dr. NFN Azatian. Welch is suing the named Defendants in both their individual and official capacities for alleged deliberate indifference to his serious medical needs when he was incarcerated in the Texas Department of Criminal Justice John Montford Unit in violation of the Eighth Amendment to the United States Constitution. He requests declaratory, injunctive, and monetary relief. Welch was granted permission to proceed *in forma pauperis* by Order dated February 19, 2010.

The complaint was transferred to the docket of the United States Magistrate Judge, who held a televideo hearing pursuant to *Spears v. McCotter*, 766 F.2d 179, 181-82 (5th Cir. 1985), on April

22, 2010. Welch appeared and testified under oath. He did not consent to proceed before the United States Magistrate Judge.

Pursuant to this Court's Order entered on February 19, 2010, the Magistrate Judge entered findings of fact, conclusions of law, and a recommendation for disposition on July 27, 2010. Welch filed objections on August 13, 2010.

The undersigned United States District Judge has made an independent examination of the record in this case and has examined the findings, conclusions, and recommendation of the Magistrate Judge and considered Welch's objections. Based upon this Court's independent examination of the record of the evidentiary hearing, Welch's complaint, Welch's sworn testimony, and authenticated prison records, the Court finds the following:

1. Welch's objections should be overruled.
2. The Magistrate Judge's findings, conclusions, and recommendation should be accepted and adopted, and Welch's civil rights complaint and all claims alleged therein should be dismissed with prejudice as frivolous.

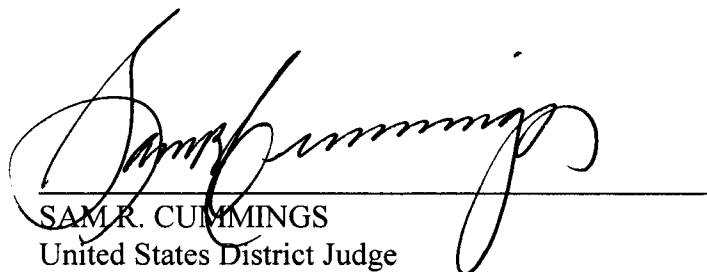
SO ORDERED.

Judgment shall be entered accordingly.

The dismissal of Welch's complaint shall count as a qualifying dismissal under 28 U.S.C. § 1915(g) and *Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1996).

Any pending motions are denied.

Dated February 29, 2012.


SAM R. CUMMINGS
United States District Judge