

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

|                                 |   |                  |
|---------------------------------|---|------------------|
| PEDRO RODRIGUEZ-CORTEZ,         | ) |                  |
| Institutional ID No. 62394-080, | ) |                  |
|                                 | ) |                  |
| Plaintiff,                      | ) |                  |
|                                 | ) |                  |
| V.                              | ) | CIVIL ACTION NO. |
|                                 | ) | 5:16-CV-061-C    |
| GILES W. DALBY CORRECTIONAL     | ) | ECF              |
| FACILITY, <i>et al.</i> ,       | ) |                  |
|                                 | ) |                  |
| Defendants.                     | ) |                  |

**ORDER**

The United States Magistrate Judge entered a Report and Recommendation on October 31, 2016, and as of this date, no objections have been filed of record.

The undersigned Senior United States District Judge has made an independent examination of the record in this case and has examined the findings, conclusions, and recommendations of the Magistrate Judge. The Court accepts and adopts the findings, conclusions, and recommendation of the Magistrate Judge.

It is, therefore, ORDERED that Plaintiff's complaint and all claims alleged therein are **DISMISSED WITH PREJUDICE AS FRIVOLOUS.**

Judgment shall be entered accordingly.

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

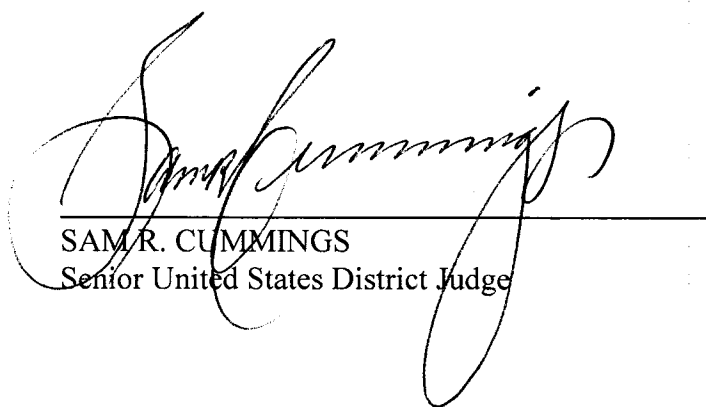
Dismissal of this action does not release Plaintiff or the institution where he is incarcerated from the obligation to pay any filing fee previously imposed. *See Williams v. Roberts*, 116 F.3d 1126, 1128 (5th Cir. 1997).

A copy of this order shall be sent to all parties appearing *pro se* by first class mail and to any attorney of record by first class mail or electronic notification.

Plaintiff is advised that if he appeals this Order, he will be required to pay the appeal fee of \$505.00 pursuant to the PLRA, and he must submit an application to proceed *in forma pauperis* and a 6-month Certificate of Inmate Trust Account at the same time he files his notice of appeal.

Any pending motions are **DENIED**.

Dated November 17, 2016.



SAM R. CUMMINGS  
Senior United States District Judge