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

CHARLES EPLEY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
MARCO GONZALEZ,	)	
Sergeant at Montford, et al.,	)	
	)	
Defendants.	)	Civil Action No. 5:18-CV-0142-C

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, filed December 15, 2022, recommending that the Court: (1) strike Epley's ADA and RA claims against all Defendants other than TDCJ under Rule 12(e); (2) dismiss without prejudice Epley's ADA and RA claims against all Defendants other than TDCJ under Rules 12(e) and 41(b); and (3) dismiss without prejudice Epley's state law claims for failure to comply with Court orders under Rule 41(b). Plaintiff failed to timely file objections to the Magistrate Judge's Recommendations.

The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

The Court has conducted an independent review of the Magistrate Judge's findings and

conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, the Court: (1) **STRIKES** Epley's ADA and RA claims against all Defendants other than TDCJ under Rule 12(e); (2) **DISMISSES** WITHOUT PREJUDICE Epley's ADA and RA claims against all Defendants other than TDCJ under Rules 12(e) and 41(b); and (3) **DISMISSES** WITHOUT PREJUDICE Epley's state law claims for failure to comply with Court orders under Rule 41(b).

SO ORDERED this 17th day of January, 2023.

SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE