

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-BQ

**ORDER**

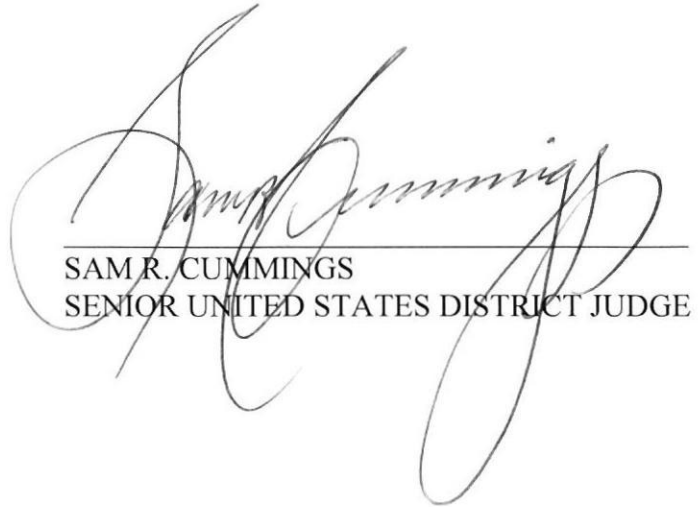
Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge advising the Court that Plaintiff’s Amended Complaint and all claims therein, excepting the state law claims, should be dismissed with prejudice in accordance with 28 U.S.C. §§ 1915(e)(2)(B) and 1915A. The Magistrate Judge has further recommended that Plaintiff’s state law claims be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3). Plaintiff timely filed objections to the Magistrate Judge’s Recommendations on June 19, 2019.

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).

Having considered Plaintiff’s objections, the Court is of the opinion that they are without merit and should be **OVERRULED**. The Court has further 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, Plaintiff's Amended Complaint and all claims therein, except Plaintiff's state law claims, are hereby **DISMISSED** with prejudice. Furthermore, Plaintiff's state law claims are hereby **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1367(c)(3).

SO ORDERED this 24<sup>th</sup> day of June, 2019.



SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE