

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

PRINCE GEORGE JENNINGS,

Plaintiff,

v.

UNITED STATES OF AMERICA,
et al.,

Defendants.

No. 5:21-CV-144

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**


Prince George Jennings, proceeding pro se, filed a civil-rights complaint against the United States of America, the Jennings Family Trust Trustees, and the United States Federal Claims Court on July 9, 2021. Dkt. No. 1. After United States Magistrate Judge Bryant issued orders and notices of deficiency (Dkt. Nos. 4; 8), Jennings filed a second (Dkt. No. 10) and third amended complaint (Dkt. No. 11), which is the operative pleading in this case. In addition, plaintiff's original complaint included a motion to appoint counsel (Dkt. No. 1), and plaintiff filed a motion to proceed *in forma pauperis* (Dkt. No. 6). And lastly, Jennings filed a motion for federal response. Dkt. No. 12. Judge Bryant reviewed the complaints and motions, and he submitted findings, conclusions, and a recommendation to this Court. Dkt. No. 13. Judge Bryant recommends that the Court either (1) deny Jennings's motions to proceed IFP and dismiss the action without prejudice under Fed. R. Civ. P. 41(b), or (2) dismiss Jennings's action for lack of subject-matter jurisdiction and deny the pending motions to proceed IFP. Dkt. No. 13 at 9. In addition, Judge Bryant recommends that the Court deny as moot Jennings's motion to appoint counsel. *Id.*

Where no specific objections are filed within the 14-day period, the Court reviews the Magistrate Judge's findings, conclusions, and recommendation only for plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1); *Serrano v. Customs & Border Patrol, U.S. Customs & Border Prot.*, 975 F.3d 488, 502 (5th Cir. 2020). Jennings has not filed an objection within the 14-day period.

The Court has examined the record and reviewed the FCR for plain error. Finding none, the Court accepts and adopts the FCR (Dkt. No. 13). The Court specifically finds that Jennings' action is factually frivolous and insubstantial and, therefore, lacks a basis for subject-matter jurisdiction. In doing so, the Court notes that it has provided Jennings with multiple opportunities to amend his complaint, and he has done so to no effect.

Accordingly, Jennings's third amended complaint (Dkt. No. 11) and the claims within it are dismissed without prejudice. All relief not expressly granted, and any pending motions are denied.

So ordered on November 16, 2021.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE