

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

QUINTINE FIELDS,

Plaintiff,

v.

No. 5:22-CV-00128-H

LAMESA POLICE DEPARTMENT,
et al.,

Defendants.

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

The United States Magistrate Judge made findings, conclusions, and a recommendation that the Court should dismiss with prejudice all of Plaintiff's claims except his excessive-use-of-force claim against Defendant Officer Ward. The Magistrate Judge recommended that the Court should require Defendant Officer Ward to answer or otherwise respond to Plaintiff's excessive-force claim. No objections were filed. The District Court independently examined the record and reviewed the findings, conclusions, and recommendation for plain error. Finding none, the Court accepts and adopts the findings, conclusions, and recommendation of the United States Magistrate Judge.

However, the Court cannot direct service on Officer Ward because Plaintiff has not provided the Court with an address where Officer Ward may be served.¹

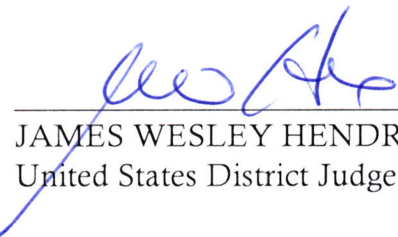
¹ Plaintiff provides the address for the Lamesa Police Department in his Amended Complaint. Dkt. No. 7. But Plaintiff asserts that Officer Ward no longer works for the Lamesa Police Department, so the Court cannot serve Officer Ward there. Dkt. No. 1. Plaintiff states that Officer Ward "has started working again in Midland" but he gives no other information about where Officer Ward may be found. *Id.*

As a result, the Court orders:

1. Plaintiff's claims against the Lamesa Police Department are dismissed with prejudice under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).
2. Plaintiff's claims for illegal search and seizure, false report, defamation, and denial of medical care are dismissed with prejudice under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).
3. There is no just reason for delay in entering a final judgment and final judgment should be entered as to the above-named Defendants and claims under Federal Rule of Civil Procedure 54(b). The Court will enter judgment accordingly.
4. The caption of this case will be changed to reflect that Officer Ward is the only remaining defendant.
5. If Plaintiff wishes to proceed with his excessive-force claim against Defendant Officer Ward, he must provide the Court with an address for service within 30 days of the date of this order. If Plaintiff fails to timely provide the required location information, the Court will dismiss Plaintiff's claims against this defendant.

So ordered.

Dated October 25, 2023.



JAMES WESLEY HENDRIX
United States District Judge