

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

ROBERT GRIZZLE,
Institutional ID No. 1998719,

Plaintiff,

v.

RENE ROBLES, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:22-CV-00132-C

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. No objections were filed. The Court reviewed the Report and Recommendation of the Magistrate Judge for plain error. Finding none, the Court **ACCEPTS** and **ADOPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that

- 1) Plaintiff's claims for declaratory relief are **DISMISSED** without prejudice for lack of standing.
- 2) Plaintiff's remaining claims—except his First Amendment and procedural due process claims against Defendants Rene Robles, Clementene Olvera, Ruben Garcia, and Bryson McIntire based on their alleged confiscation of pictures of women and magazines—are **DISMISSED** with prejudice under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A.
- 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 pursuant to Federal Rule of Civil Procedure 54(b).
- 4) Plaintiff's First Amendment and procedural due process claims against Defendants Rene Robles, Clementene Olvera, Ruben Garcia, and Bryson McIntire will proceed with service of process as follows:

The Clerk shall transmit to the Attorney General a copy of this Order, together with a copy of Plaintiff's Complaint (Doc. 1), Questionnaire responses (Doc. 11), and the Report and Recommendation (Doc. 17). The documents shall be transmitted by email to the appropriate email addresses at the Office of the Attorney General for the State of Texas. *See* Fed. R. Civ. P. 5(b)(2)(E).

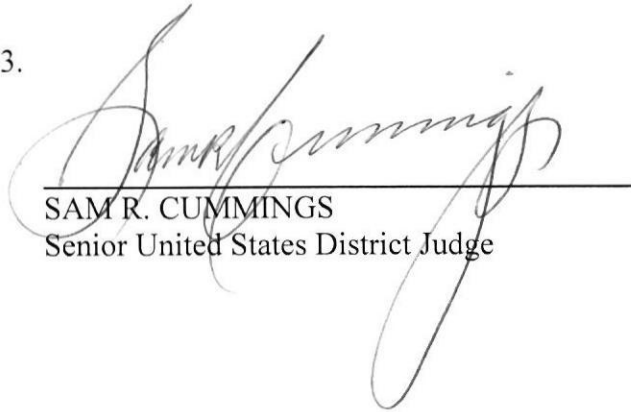
Defendants Robles, Olvera, Garcia, and McIntire shall each file an answer or other responsive pleading within 30 days of the date of service of this Order.

If any defendant is no longer employed by TDCJ and will not be contacted and represented by the Attorney General's Office, the Assistant Attorney General assigned to this case shall provide the Court with each such defendant's last known address, UNDER SEAL WITHOUT A MOTION, on or before the date on which the defendant's answer is otherwise due.

Judgment pursuant to Rule 54(b) shall be entered accordingly.

SO ORDERED.

Dated Oct. 30, 2023.



SAM R. CUMMINGS
Senior United States District Judge