

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

FREDDY L. ROMERO VENTURA,)
Institutional ID No. 21697-057,)
)
Plaintiff,)
)
V.)
)
CHARLES FELTS,)
Warden of CCA/EDC, *et al.*,)
)
Defendant(s).)

CIVIL ACTION NO.
6:07-CV-050-C
ECF

ORDER

The United States Magistrate Judge entered a Report and Recommendation on June 3, 2008. No objections have been filed.

The Court accepts and adopts the findings, conclusions, and recommendation of the Magistrate Judge.

It is, therefore, ORDERED:

1. Plaintiff’s claims against all Defendants for denial of his right to the free exercise of religion under the First Amendment to the United States Constitution for denial of access to a sweat lodge and for denial of his requests for a transfer to a facility with a sweat lodge are

DISMISSED WITH PREJUDICE AS FRIVOLOUS;

2. Plaintiff’s claims against Charles Felts, Lee McDaniel, Andrea Madows, and John Blake for violating his right to due process by denying his administrative grievances and cop-out requests regarding access to a sweat lodge are **DISMISSED WITH PREJUDICE AS**

FRIVOLOUS;

3. Plaintiff's claims against all Defendants for conspiracy are **DISMISSED WITH PREJUDICE AS FRIVOLOUS**;

4. Plaintiff's claims against all Defendants for denial of his right to equal protection of the laws are **DISMISSED WITH PREJUDICE AS FRIVOLOUS**; and

5. Plaintiff's claims against the BOP and CCA are **DISMISSED WITH PREJUDICE AS FRIVOLOUS**.

Judgment shall be entered accordingly. This dismissal shall count as a qualifying dismissal under 28 U.S.C. § 1915(g) and *Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1996). Dismissal of this action does not release Plaintiff or the institution where he is incarcerated from the obligation to pay any filing fee previously imposed. *See Williams v. Roberts*, 116 F.3d 1126, 1128 (5th Cir. 1997).


Any pending motions are **DENIED**.

A copy of this order shall be sent by first class mail to all parties appearing *pro se* and to any attorney of record by first class mail or electronic notification.

Plaintiff is advised that if he appeals this Order, he will be required to pay the appeal fee of \$455.00 pursuant to the PLRA, and he must submit an application to proceed *in forma pauperis* and a 6-month Certificate of Inmate Trust Account at the same time he files his notice of appeal.

SO ORDERED.

Dated December 30, 2008.


SAM R. CUMMINGS
UNITED STATES DISTRICT COURT