

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

RUBEN LARAY JEFFERY,  
TDCJ No. 01851926,

Plaintiff,

v.

TEXAS TECH MEDICAL, et al.,

Defendants.

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Civil Action No. 7:17-CV-00065-M-BP

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

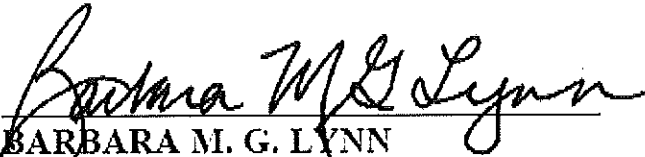
After reviewing the Findings, Conclusions, and Recommendation of the United States Magistrate Judge for plain error, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

IT IS THEREFORE ORDERED that Plaintiff's complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1) as frivolous. This dismissal is without prejudice to Plaintiff's earlier-filed complaint, *Jeffery v. Lopez*, No. 7:17-CV-062-M-BP (N.D. Tex.).

The Court prospectively **CERTIFIES** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions, and Recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Findings and Recommendation, the Court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a

separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit. See *Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

SIGNED this 31 day of May, 2017.

  
BARBARA M. G. LYNN  
CHIEF JUDGE