UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JERRY L BISBY,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. C-07-404
	§	(consolidated w/C-07-423 and C-07-424)
KIMBERLY GARZA, *et al*,	§	
	§	
Defendants.	§	

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

On June 27, 2008, United States Magistrate Judge Brian L. Owsley signed a
Memorandum and Recommendation recommending as follows:

1) that the Court dismiss plaintiff's claims against defendant Mendoza for failure to
exhaust administrative remedies pursuant to 42 U.S.C. §1997e(a); or in the alternative, that the
Court find that defendant Mendoza is entitled to qualified immunity, and therefore, that summary
judgment be granted in his favor; and

2) that defendant Garza is entitled to qualified immunity, that the Court grant summary
judgment in her favor, and that plaintiff's claims against her be dismissed with prejudice.

On July 16, 2008, plaintiff filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the
pleadings on file and plaintiff's objections, and having made a *de novo* disposition of those
portions of the Magistrate Judge's recommended disposition to which objections were raised, *see*
Koetting v. Thompson, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C);
Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the
Magistrate Judge as set out below.

Accordingly, it is ORDERED as follows:

1) the Court dismisses plaintiff's claims against defendant Mendoza for failure to exhaust administrative remedies pursuant to 42 U.S.C. §1997e(a); and

2) defendant Garza is entitled to qualified immunity; the Court grants summary judgment in her favor and plaintiff's claims against her are dismissed with prejudice.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 17th day of July, 2008.

Janis Graham Jack
United States District Judge