

United States District Court  
Southern District of Texas

**ENTERED**

November 27, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

JERRY BUTLER SMITH JR, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 2:15-CV-382
	§	
TDCJ PAROLE BOARD, <i>et al</i> ,	§	
	§	
Defendants.	§	

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION  
TO DENY PLAINTIFF'S MOTION TO REOPEN CASE**

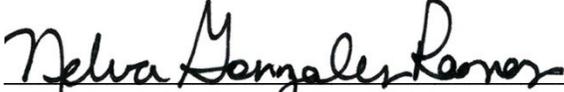
On October 11, 2017, United States Magistrate Judge B. Janice Ellington issued her “Memorandum and Recommendation to Deny Plaintiff’s Motion to Reopen Case” (D.E. 81). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 81), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, Plaintiff’s motion to

reopen this case (D.E. 80), construed as a Rule 60(b) motion for relief from judgment is  
**DENIED.**

ORDERED this 27th day of November, 2017.

  
NELVA GONZÁLES RAMOS  
UNITED STATES DISTRICT JUDGE