

United States District Court
Southern District of Texas

ENTERED

June 14, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

CHRISTOPHER ALAN LUPER,

Plaintiff,

VS.

UNIVERSITY OF TEXAS MEDICAL
BRANCH, *et al*,

Defendants.

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CIVIL NO. 2:16-CV-00322

ORDER

Before the Court is the October 4, 2016, Memorandum and Recommendation (“M&R”) of the Magistrate Judge to whom this case was referred, Dkt. No. 13; Plaintiff’s October 24, 2016, Objection to the M&R, Dkt. No. 15; the February 12, 2018, M&R of the Magistrate Judge, Dkt. No. 22; and Plaintiff’s March 5, 2018, Objection to the M&R, Dkt. No. 24.

I. October 4, 2016, M&R

The October 4, 2016, M&R recommends that the Court dismiss this action. Dkt. No. 13 at 7. On October 24, 2016, Plaintiff filed an objection the M&R. Dkt. No. 15. The Court reviews objected-to portions of the Magistrate Judge’s proposed findings and recommendations de novo. 28 U.S.C. § 636(b)(1). Plaintiff’s objection is frivolous, conclusory, general, or contains no arguments that the M&R has not already considered. *See* Dkt. Nos. 13, 15; *Battle v. United States Parole Comm’n*, 834 F.2d 419 (5th Cir. 1987) (determining that a district court need not consider frivolous, conclusive, or general objections).

After independently reviewing the record and considering the applicable law, the Court **ADOPTS** the M&R in its entirety, Dkt. No. 13, and **OVERRULES** Plaintiff’s objection, Dkt. No. 15. The Court **DISMISSES** this action.

II. February 12, 2018, M&R

The February 12, 2018, M&R, Dkt. No. 22, recommends that the Court deny Plaintiff's January 12, 2018, summary judgment motion, Dkt. No. 21. On March 5, 2018, Plaintiff filed an objection to the M&R. Dkt. No. 24. The Court reviews objected-to portions of the Magistrate Judge's proposed findings and recommendations de novo. 28 U.S.C. § 636(b)(1). Plaintiff's objection is frivolous, conclusory, general, or contains no arguments that the M&R has not already considered. *See* Dkt. Nos. 22, 24; *Battle v. United States Parole Comm'n*, 834 F.2d 419 (5th Cir. 1987) (determining that a district court need not consider frivolous, conclusive, or general objections).

After independently reviewing the record and considering the applicable law, the Court **ADOPTS** the M&R in its entirety, Dkt. No. 22, and **OVERRULES** Plaintiff's objection, Dkt. No. 24. The Court **DENIES** Plaintiff's motion for summary judgment. Dkt. No. 21.

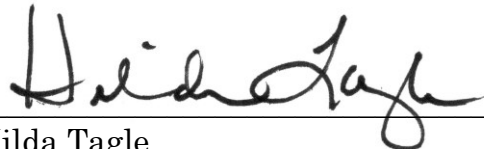
III. Conclusion

In conclusion, the Court:

- **DISMISSES** this action, and
- **DENIES** Plaintiff's January 12, 2018, motion for summary judgment, Dkt. No. 21.

The Court will direct entry of final judgment separately.

SIGNED this 13th day of June, 2018.



Hilda Tagle
Senior United States District Judge