

United States District Court
Southern District of Texas

ENTERED

March 01, 2018

David J. Bradley, Clerk

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

JOE YOUNG,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL NO. 2:16-CV-00392
	§	
CANDACE MOORE, <i>et al</i> ,	§	
	§	
Defendants.	§	

ORDER

The Court is in receipt of Defendants' January 27, 2017, motion for summary judgment, Dkt. No. 13; the April 6, 2017, Memorandum and Recommendation ("M&R") of the Magistrate Judge to whom this case was referred, Dkt. No. 15; and Plaintiff's April 24, 2017, objection to the M&R, Dkt. No. 17.

The Court reviews objected-to portions of a 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 argument that the M&R has not already considered. *See* Dkt. Nos. 15, 17; *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 proposed M&R in its entirety. Dkt. No. 15. Thus, the Court **OVERRULES** Plaintiff's objection. Dkt. No. 17.

The Court hereby:

- **GRANTS IN PART** and **DENIES IN PART** Defendants' motion for summary judgment, Dkt. No. 13;
- **DISMISSES WITH PREJUDICE** Plaintiff's claims against Defendants Veronica Inmon, Joe Gonzalez, Jr., and John and Jane Does;
- **DISMISSES WITHOUT PREJUDICE** Plaintiff's claims regarding the outcome of any disciplinary hearing;

- **DISMISSES WITH PREJUDICE** Plaintiff's denial of access claims;
- **DISMISSES WITHOUT PREJUDICE** those claims Plaintiff brought for the first time in his response to Defendants' motion for summary judgment;
- **DISMISSES WITH PREJUDICE** Plaintiff's claims for money damages against the Texas Department of Criminal Justice or against any defendant in his or her official capacity; and
- **DENIES** Defendants' motion for summary judgment with regard to Plaintiff's claim that Defendants Janet Salles, Jennifer Smith, Candace Moore, and Corey Furr retaliated against him.

SIGNED this 1st day of March, 2018.

A handwritten signature in black ink, appearing to read "Hilda Tagle", written over a horizontal line.

Hilda Tagle
Senior United States District Judge