

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

United States District Court
Southern District of Texas

ENTERED

January 31, 2018

David J. Bradley, Clerk

ALPHONSO BOUTIRE,

Plaintiff,

VS.

J. PAIZ, *et al*,

Defendants.

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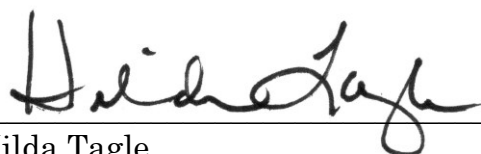
CIVIL NO. 2:17-CV-00010

ORDER

The Court is in receipt of Plaintiff’s May 10, 2017, amended complaint. Dkt. No. 24. In her Memorandum and Recommendation (“M&R”), the Magistrate Judge to whom this case was referred pursuant to 28 U.S.C. § 636(b) concluded that (1) Plaintiff’s claims for money damages against defendants in their official capacities are barred by the Eleventh Amendment; (2) Plaintiff was transferred from the Garza West Unit, rendering moot any request for injunctive relief; and (3) Plaintiff provides only conclusory allegations that each defendant acted with deliberate indifference to his serious medical needs. Dkt. No. 28 at 5–6, 8. The deadline to file objections to the M&R has passed, and the docket sheet shows that no objections have been filed. *See* 28 U.S.C. § 636(b)(1) (setting a 14-day deadline to file objections); FED. R. CIV. P. 72(b)(2) (same); *see also* Dkt. No. 28 at 10 (advising parties of the 14-day deadline).

After independently reviewing the record and considering the applicable law, the Court adopts the proposed M&R in its entirety. The Court hereby **DISMISSES WITH PREJUDICE** Plaintiff’s complaint for failure to state a claim. This dismissal counts as a strike for the purposes of 28 U.S.C. § 1915(g). The Court **ORDERS** the Clerk of the Court to send notice of this dismissal to the Manager of the Three-Strikes List for the United States District Court for the Southern District of Texas at Three_Strikes@txs.uscourts.gov. The Court will order entry of final judgment separately.

SIGNED this 31st day of January, 2018.



Hilda Tagle
Senior United States District Judge