

United States District Court
Southern District of Texas

ENTERED

May 01, 2018

David J. Bradley, Clerk

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

DEAMUS TROY CASTERLINE,

Plaintiff,

VS.

DAVID GUTIERREZ, *et al*,

Defendants.

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CIVIL NO. 2:18-CV-59

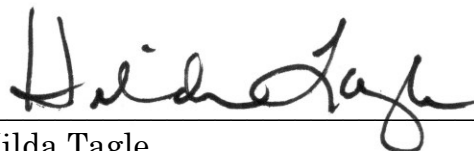
ORDER

The Court has received the Magistrate Judge’s Memorandum and Recommendation (“M&R”), Dkt. No. 8, Plaintiff’s objections, Dkt. No. 13, and Plaintiff’s “Motion to Order Complaint Returned to Magistrate Judge to Develop Res Judicata,” Dkt. No. 14.

After independently reviewing the record and applicable law, the Court **ADOPTS** the M&R, Dkt. No. 8. The Court agrees with the Magistrate Judge that caselaw forecloses the relief that Plaintiff seeks. The Court therefore **DISMISSES WITH PREJUDICE** Plaintiff’s complaint for failure to state a claim and/or as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). This dismissal counts as a “strike” for purposes of 28 U.S.C. § 1915(g), and the Court **DIRECTS** the Clerk to send notice of this dismissal to the Manager of the Three-Strikes List for the Southern District of Texas at Three_Strikes@txs.uscourts.gov.

The Court also **DENIES** Plaintiff’s “Motion to Order Complaint Returned to Magistrate Judge to Develop Res Judicata,” Dkt. No. 14.

SIGNED this 1st day of May, 2018.



Hilda Tagle
Senior United States District Judge