

United States District Court
Southern District of Texas

ENTERED

August 30, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

ROBERT LOUIS PARKER, JR.,

Plaintiff,

v.

**J. GAUNA, SERGEANT SALINAS,
OFFICER EARWOOD, and
JANE DOE,**

Defendants.

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Civil Action No. 2:20-CV-00293

**MEMORANDUM OPINION AND ORDER
ACCEPTING MEMORANDUM AND RECOMMENDATION**

Robert Louis Parker, a Texas inmate currently housed at the Willacy Unit, appearing *pro se* and *in forma pauperis*, brings various claims arising out of his previous housing assignment at the Garza West Unit. Pending before the Court is the February 12, 2021 Memorandum and Recommendation (“M&R”) signed by Magistrate Judge Jason B. Libby. (Dkt. No. 14). Magistrate Judge Libby recommends that the Court screen most of Parker’s claims.

Parker was provided notice and the opportunity to object. *See* 28 U.S.C. § 636(b)(1). No objections were filed, so review is for plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears. The Court **ACCEPTS** the M&R as the Court’s Memorandum Opinion and Order.

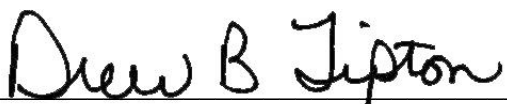
Accordingly, the Court:

1. **RETAINS** Parker’s deliberate indifference claims against Sargent Salinas and Officer Earwood, in their individual capacities, based on exposure to excessive heat;

2. **RETAINS** Parker's deliberate indifference claim against Jane Doe Medical Provider or Assistant, in her individual capacity, based on inadequate treatment for Parker's hand injury;
3. **DISMISSES WITHOUT PREJUDICE** Parker's claims for damages against Warden Gauna, in his official capacity, as barred by the Eleventh Amendment;
4. **DISMISSES WITH PREJUDICE** Parker's claims for injunctive relief;
5. **DISMISSES WITH PREJUDICE** Parker's claims against Warden Gauna as frivolous and/or for failure to state a claim; and
6. **DISMISSES WITH PREJUDICE** Parker's remaining claims for failure to state a claim and/or as frivolous.

It is SO ORDERED.

Signed on August 30, 2022.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE