

United States District Court
Southern District of Texas

ENTERED

March 26, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOHN D PELKO,

Plaintiff,

VS.

OFFICER MIXON, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:23-CV-00282

**ORDER ADOPTING MEMORANDUM
AND RECOMMENDATION TO DISMISS CASE**

On February 26, 2024, United States Magistrate Judge Jason B. Libby issued his “Memorandum and Recommendation to Dismiss Case” (D.E. 30). Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s memorandum and recommendation. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

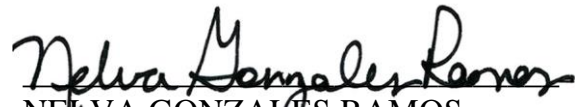
When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s memorandum and recommendation (D.E. 30), and all other relevant

documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Court

1. **DISMISSES WITH PREJUDICE** all of Plaintiff's claims against Defendants for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1); and
2. **ORDERS** that the dismissal of this case counts as a "**STRIKE**" for purposes of 28 U.S.C. § 1915(g) and **INSTRUCTS** the Clerk of Court 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.

ORDERED on March 26, 2024.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE