

United States District Court
Southern District of Texas

ENTERED

March 18, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

RUBEN ARCE,

Petitioner,

VS.

BRYAN COLLIER, *et al.*,

Respondents.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 5:18-CV-9

ORDER

On February 22, 2019, U.S. Magistrate Judge Sam Sheldon issued a Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1) recommending that the Court grant Respondent’s Motion for Summary Judgment and deny Petitioner’s Motion for Leave for Discovery. (Dkt. No. 34). Ordinarily, parties are afforded fourteen days after being served with a copy of proposed findings and recommendations to file timely objections. 28 U.S.C. § 636(b)(1). The Court, however, has waited three weeks from the date of Magistrate Judge Sheldon’s filing to take any formal action on this matter, so as to accommodate the time it takes for documents to be mailed to and from prison. Despite that, neither Party has filed objections to the Report and Recommendation.

Having found no plain error in the proposed findings and recommendations, the Court hereby **ADOPTS** the Report and Recommendation as the findings of the Court. Accordingly, Respondent’s Motion for Summary Judgment (Dkt. No. 23) is **GRANTED**, Petitioner’s Motion for Leave for Discovery (Dkt. No. 30) is **DENIED**, and this civil action is **DISMISSED WITH PREJUDICE**. Should Petitioner seek a

certificate of appealability, it is **DENIED**, and the Court certifies that any appeal should not be taken *in forma pauperis*.

It is so **ORDERED**.

SIGNED March 18, 2019.

A handwritten signature in black ink, reading "Marina Garcia Marmolejo". The signature is written in a cursive style with a horizontal line underneath it.

Marina Garcia Marmolejo
United States District Judge