

United States District Court  
Southern District of Texas

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION

**ENTERED**  
December 06, 2017  
David J. Bradley, Clerk

KYLE PLEDGER,  
Plaintiff,

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§

v.

CIVIL ACTION NO. 6:15-CV-64

BRAD LIVINGSTON, et. al.  
Defendants.

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

On October 26, 2017, United States Magistrate Judge B. Janice Ellington issued her “Memorandum and Recommendation” to 1) grant the served Defendants’ Motion for Clarification, 2) dismiss Defendant Hightower from this action without prejudice, 3) add the unserved defendants Margaret de la Garza Graham and Ojoolut Olugbenga as parties, 4) deny Plaintiff Kyle Pledger’s motion for clarification, 5) dismiss claims against Drs. De la Garza Graham and Olugbenga with prejudice for failure to state a claim and/or as frivolous pursuant to 28 U.S.C. § 1915A(b)(1). D.E. 53. The parties were provided proper notice and an opportunity to object to the Magistrate Judge’s Memorandum and Recommendation. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1).

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 Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Plaintiff filed a request that the Magistrate Judge’s reference to the criminal conviction, pursuant to which he was incarcerated at TDCJ, be deleted from the

Memorandum & Recommendation as unduly prejudicial. D.E. 54. He did not object to the recommendation.

The Court has reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's Memorandum and Recommendation (D.E. 53), 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 **ORDERS** that the served Defendants' Motion for Clarification (D.E. 48) be **GRANTED**. The claims against Defendants Doss, Livingston, Stephens and Smith are **DISMISSED** with prejudice. The claim against Defendant Hightower is **DISMISSED** without prejudice. The claims against Defendant Drs. De la Garza Graham and Olugbenga are **DISMISSED** with prejudice for failure to state a claim and pursuant to 28 U.S.C. § 1915A(b)(1). The Clerk shall enter this order and provide a copy to all parties.

It is so ORDERED this 4 day of Dec, 2017.

  
HAYDEN HEAD  
SENIOR U.S. DISTRICT JUDGE