

United States District Court  
Southern District of Texas

**ENTERED**

September 17, 2019

David J. Bradley, Clerk

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

TODD ALAN FEEMSTER, JR.,  
(TDCJ-CID #01539283)

Plaintiff,

vs.

P. CHAPA, et al.,

Defendants.

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CIVIL ACTION NO. V-17-0039

**ORDER**

Todd Alan Feemster, an inmate of the Texas Department of Criminal Justice - Correctional Institutions Division (“TDCJ-CID”), filed this civil rights action in forma pauperis. Feemster asserts claims under the Eighth Amendment, the Americans with Disabilities Act (ADA), 42 U.S.C. § 12112(b)(5)(A), and the Rehabilitation Act (RA), 29 U.S.C. § 794. Pending before the Court are the following: (1) a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) filed by Defendant Dr. Christi Tupa (D.E. 36); (2) a Motion for Summary Judgment filed by Defendant Dr. Tupa (D.E. 84); and (3) a Motion for Summary Judgment filed by Defendants Texas Department of Criminal Justice (TDCJ), R. Beard, Jr., V. Maciel, T. Salles, and V. Tijerina (the “TDCJ Defendants”). (D.E. 99).

On June 12, 2018, Magistrate Judge Libby issued a Memorandum and Recommendation recommending that Dr. Tupa’s motion to dismiss be denied. (D.E. 61). On July 29, 2019, Magistrate Judge Libby entered a Memorandum and Recommendation (D.E. 113) recommending that Dr.

Tupa's Motion for Summary Judgment (D.E. 84) and the TDCJ Defendants' Motion for Summary Judgment (D.E. 99) be granted in their entirety and that all of Feemster's § 1983 and ADA/RA claims raised against these defendants be dismissed with prejudice. The Memorandum and Recommendation specifically advised Feemster that he had 14 days to file objections. Feemster filed his objections.

Having reviewed the Magistrate Judge's Memorandum and Recommendation, the Complaint, and Feemster's Objections, the Court ADOPTS the Memorandum and Recommendation. It is ORDERED that all claims are DISMISSED WITH PREJUDICE for the reasons stated in the Memorandum and Recommendation entered on July 29, 2019. Dr. Tupa's motion to dismiss (D.E. 36) is DENIED AS MOOT. The Clerk is directed to provide a copy of this Order to the parties.

It is so ORDERED.

SIGNED at Victoria, Texas, on September 16, 2019.

  
KENNETH M. HOYT  
UNITED STATES DISTRICT JUDGE