

United States District Court
Southern District of Texas

ENTERED

January 26, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

DEVADIP CARLOS ESPERICUETA
Plaintiff

VS.

AIDA PALACIOS, *et al*,
Defendants

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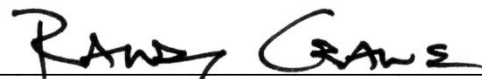
CIVIL ACTION NO. 7:15-CV-320

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Plaintiff’s complaint pursuant to 42 U.S.C. § 1983 (Doc. #1), which had been referred to the Magistrate Court for a report and recommendation. Also pending are Plaintiff’s objections (Doc. #5). On December 5, 2017, the Magistrate Court issued the Report and Recommendation, recommending that Plaintiff’s civil rights claims be summarily dismissed with prejudice to their being asserted again until such time as the *Heck v. Humphrey*, 512 U.S. 477 (1994) conditions are met.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has conducted a de novo review of the Report and Recommendation. Finding no clearly erroneous error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby **ORDERED** that Plaintiff’s civil rights claims are summarily **DISMISSED** with prejudice to their being asserted again until such time as the *Heck* conditions are met.

SO ORDERED this 26th day of January, 2018, at McAllen, Texas.



Randy Crane
United States District Judge