

United States District Court
Southern District of Texas

ENTERED

March 21, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

ERIC FLORES (TDCJ#2051801),

Plaintiff,

VS.

SENIOR WARDEN R. MOORE, *et al*,

Defendants.

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MISC. ACTION NO. 7:16-MC-01986

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Petitioner’s Application to Proceed In Forma Pauperis (“IFP”), which had been referred to the Magistrate Court for a report and recommendation. On February 27, 2017, the Magistrate Court issued the Report and Recommendation, recommending that Petitioner’s IFP application be denied and the complaint be dismissed without prejudice. Also pending before the Court are Plaintiff’s objections to the Report and Recommendation.

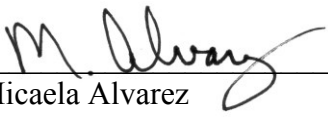
Petitioner’s objections center on his claim that the Magistrate Court erred in finding that he is barred from proceeding IFP because he has accumulated three strikes under the Prisoner Litigation Reform Act. In this regard, Petitioner asserts that the prior case upon which the Magistrate Court relied was wholly fabricated by prison officials. Petitioner offers no evidence to support this claim and this Court finds the objection has no merit.

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

Petitioner's Application to Proceed In Forma Pauperis ("IFP") (Dkt. Entry No. 2) is **DENIED** and the complaint is **DISMISSED** without prejudice.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 21st day of March, 2017.



Micaela Alvarez
United States District Judge