

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

ERIC FLORES,

Plaintiff,

v.

Civil Action No. 2:15-cv-14055

UNITED STATES ATTORNEY GENERAL and  
FEDERAL BUREAU OF INVESTIGATION,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is the plaintiff's petition to challenge the constitutionality of the First Amendment to the United States Constitution, filed on October 15, 2015.

This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to the court of his Proposed Findings and Recommendation ("PF&R") for disposition pursuant to 28 U.S.C. § 636(b)(1)(B).

On December 4, 2017, Magistrate Judge Tinsley entered his PF&R recommending that the petition be dismissed for being frivolous and for failure to state a claim on which relief can be granted; and recommending that the undersigned warn the plaintiff that the continued filing of frivolous and abusive actions in this court may result in the imposition of monetary sanctions and/or filing restrictions.

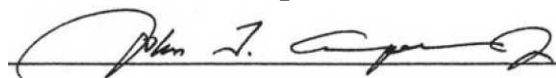
No objections having been filed, the plaintiff thereby waived de novo review of his petition.

It is, accordingly, ORDERED that:

1. Magistrate Judge Tinsley's Proposed Findings and Recommendation be, and they hereby are, adopted and incorporated in full;
2. The petition be dismissed and stricken from the docket for being frivolous and for failure to state a claim; and
3. Eric Flores be, and he hereby is, WARNED that the continued filing of frivolous petitions in this court will result in the imposition of monetary sanctions and/or filing restrictions inasmuch as he has filed two prior complaints in this court, which were dismissed as frivolous, as is this one, and has additionally had monetary sanctions and filing restrictions imposed on him in the Western District of Texas and the United States Court of Appeals for the Fifth Circuit, as set forth on page 3 of the PF&R.

The Clerk is directed to forward copies of this written opinion and order to the plaintiff and Magistrate Judge Dwane L. Tinsley.

DATED: February 15, 2018



John T. Copenhaver, Jr.  
United States District Judge