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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

FILED - CLERK
U.S. DISTRICT COURT

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**JIMMY FISHER,
Plaintiff**

v.

**STATE OF TEXAS, ET AL.,
Defendants**

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NO. 9:01-CV-174

**MEMORANDUM ORDER ADOPTING REPORT
AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff, Jimmy Fisher, proceeding *pro se* and *in forma pauperis* brought this civil action.

The court heretofore referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, in Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends this action be dismissed for failure to comply with orders of the court, for failure to invoke the court's subject-matter jurisdiction, for frivolousness, and for failure to state a claim.

The court has received and considered the magistrate judge's report and recommendation, along with the record, pleadings and all available

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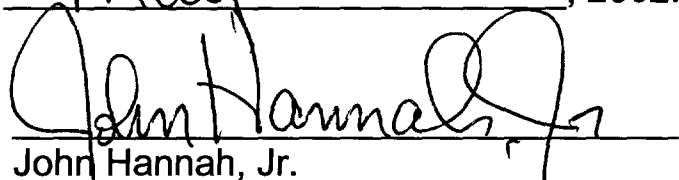
evidence. No timely objections to the report and recommendation were filed by Plaintiff. Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and shall be adopted.

ORDER

It is **ORDERED** the report and recommendation of the United States magistrate judge (Docket No. 12) is **ADOPTED**.

A final judgment will be entered separately in accordance with the magistrate judge's recommendations.

SIGNED this 21st day of May, 2002.


John Hannah, Jr.
United States District Judge