



Donalson v. McLeaish et al

2022 | Cited 0 times | E.D. Texas | September 28, 2022

1 IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BARNEY DONALSON, JR., Plaintiff, v. ERIN MCLEAISH, Defendant.

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Case No. 6:22-cv-13-JDK-JDL

ORDER ADOPTING REPORT AND RECOMMENDATION

OF THE UNITED STATES MAGISTRATE JUDGE Plaintiff Barney Donalson, Jr., proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the action.

Before the Court is Defendant Erin McLeaish's motion for summary judgment. Docket No. 18. On September 1, 2022, Judge Love issued a Report and Recommendation recommending that the Court grant Defendant's motion based on qualified immunity and dismiss Plaintiff's claims for unlawful detention and excessive use of force with prejudice. Docket No. 30. Plaintiff filed objections. Docket No. 31. Further, on September 10, 2022, attorney Joe Izen submitted an affidavit in support of Plaintiff's Donalson's pro se objections. Docket No. 32.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28

2 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Having conducted a de novo review of the record in this case, the Magistrate Judge's Report, and Plaintiff's objections, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court hereby ADOPTS the Report of



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the Magistrate Judge (Docket No. 30) as the opinion of the District Court. The Court hereby GRANTS Defendant's motion for summary judgment (Docket No. 18) on the grounds of qualified immunity (Docket No. 18) and DISMISSES Plaintiff's claims against Defendant McLeaish with prejudice.

Signed this Sep 28, 2022

