

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**CHAD RAY BENNETT, #1923337,
Plaintiff,**

v.

**DESIREE TUCKER et al.,
Defendants.**

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3:14-CV-3686-D

ORDER

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

The claims against Officer Tucker for verbal abuse and against Lt. Sherman and Captain Grinniger for refusal to file criminal charges, and all claims against Sheriff Meeks, are summarily dismissed with prejudice as frivolous. *See* 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). Plaintiff’s action against Sheriff Meeks is dismissed with prejudice by Fed. R. Civ. P. 54(b) final judgment filed today.

The court certifies that any appeal of the final judgment dismissing Sheriff Meeks would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this finding, the court adopts and incorporates by reference the magistrate judge’s findings, conclusions, and recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the findings and recommendation, the court finds that any appeal of the judgment dismissing Sheriff Meeks would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). If plaintiff appeals the judgment, he may challenge this

certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of the Court, United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

SO ORDERED.

August 6, 2015.



SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE