

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, TYLER DIVISION**

Darwin Fisher v. Taylor Williams

No. 6:25-cv-369-JDK-JDL (E.D. Tex. Feb. 27, 2026) · No. 6:25-cv-369-JDK-JDL · Decided February 27, 2026

SUMMARY

The United States District Court for the Eastern District of Texas adopts the magistrate judge's report and recommendation in Darwin Fisher's prisoner civil-rights action under 42 U.S.C. § 1983. The court dismisses the case without prejudice for failure to prosecute after Fisher failed to pay the filing fee, amend his complaint, or object to the recommendation, and denies pending motions as moot.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION DARWIN FISHER, #00616375, § § Plaintiff, § § v. § Case No. 6:25-cv-369-
JDK-JDL § TAYLOR WILLIAMS, § § Defendant. § ORDER ADOPTING THE REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE Plaintiff Darwin
Fisher, a prisoner of the Texas Department of Criminal Justice proceeding pro se, filed this lawsuit
pursuant to 42 U.S.C. § 1983 for alleged violations of his civil rights in prison but did not pay the
filing fee.

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 case. On January 14, 2026, Judge Love issued a Report recommending that Plaintiff's lawsuit be dismissed for failure to prosecute because Plaintiff had failed to comply with the Court's order to satisfy the filing fee requirement and to amend the complaint to cure identified deficiencies.

Docket No. 6. A copy of this Report was mailed to Plaintiff, who did not file objections within the prescribed period. This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 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. Assn*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to

determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby ADOPTS the Report and Recommendation of the United States Magistrate Judge (Docket No. 6) as the findings of this Court. It is therefore ORDERED that this case is DISMISSED without prejudice for failure to prosecute.

All pending motions are DENIED as MOOT. So ORDERED and SIGNED this 27th day of February, 2026. JHREMYD. KERN DLE UNITED STATES DISTRICT JUDGE