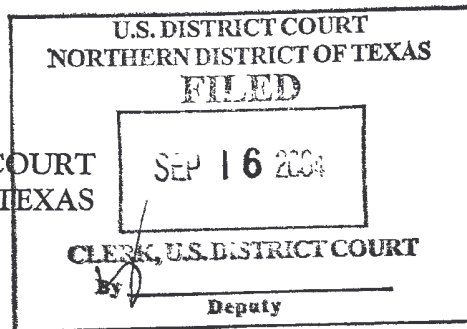


ORIGINAL

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



TIBOR GYULA BALOGH,)
Plaintiff,)
vs.)
TEXAS DEPARTMENT)
PUBLIC SAFETY,)
Defendant.)

No. 3:04-CV-1506-H

FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Pursuant to the provisions of 28 U.S.C. § 636(b) and an Order of the Court in implementation thereof, subject cause has previously been referred to the United States Magistrate Judge. The findings, conclusions, and recommendation of the Magistrate Judge follow:

I. BACKGROUND

Plaintiff, a resident of Livingston, Texas, filed the instant complaint on July 13, 2004. (See Compl. at 1.) He sues the Texas Department of Public Safety for an alleged illegal search and seizure which occurred on March 4, 2004. (*Id.*) He claims that, on that date, officers of the defendant violated his constitutional rights by conducting a warrantless search of his motor home. (*Id.*) On July 19, 2004, the Court granted plaintiff permission to proceed *in forma pauperis* in this action. (See Filing Fee Order.) No process has been issued in this case.

II. PRELIMINARY SCREENING

Because plaintiff is proceeding *in forma pauperis* in this action, his complaint is subject to screening under 28 U.S.C. § 1915(e)(2). That section provides for *sua sponte* dismissal of the complaint, or any portion thereof, if the Court finds it is frivolous or malicious, if it fails to state a claim