

American Corp. v. Kline, 845 F.2d 1300, 1306 (5th Cir. 1988). Accordingly, the defendants' motion for summary judgment should be granted.

ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED that the defendants' motion for summary judgment is **GRANTED**. A final judgment shall be entered in accordance with this memorandum.

SIGNED at Beaumont, Texas, this 22nd day of September, 2010.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE