

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

**GRINDLEY COLLINS and
LAKESHA COLLINS**

V.

**U.S. ARMY CARL R. DARNALL
MEDICAL CENTER** *f/k/a/
Darnall Army Medical Hospital*

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Case No. 1:09-CV-852

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

The court referred this matter to the Honorable Earl S. Hines, United States magistrate judge, for pretrial proceedings pursuant to a referral order entered on September 18, 2009. The court has received and considered the report of the United States magistrate judge, who recommends that the court grant defendant's motion to dismiss for lack of subject-matter jurisdiction based on plaintiffs' failure to file a timely suit in accordance with the Federal Tort Claims Act. No objections have been filed.

The magistrate judge's report is hereby **ADOPTED** and defendant's "Motion to Dismiss for Lack of Subject-Matter Jurisdiction" (Docket No. 11) is **GRANTED**. The purpose of the referral having been served, it is further

ORDERED that the reference to the magistrate judge is **VACATED**.

So **ORDERED** and **SIGNED** this **13** day of **September, 2010**.



Ron Clark, United States District Judge