

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

RHETT ROSENQUEST SMITH,

Plaintiff,

v.

RANDY WEBER,

Defendant.

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CIVIL ACTION NO. 1:12-CV-536

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for all pretrial matters pursuant to General Order 05-07. Pending before the Court is Defendant Randy Weber’s “Motion to Dismiss” (Doc. No. 8). The Court has received and considered the report (Doc. No. 10) of the magistrate judge, who recommends that the Court grant the “Motion to Dismiss” and dismiss this case without prejudice. No objections to the report and recommendation have been filed. The Court’s independent review confirms that the magistrate judge’s analysis is correct.

The report and recommendation of the magistrate judge (Doc. No. 10) is **ADOPTED**, and the Defendant’s Motion to Dismiss (Doc. No. 8) is **GRANTED**. Accordingly, this case is **DISMISSED** without prejudice with each party to bear its own costs of court. The Clerk is directed to close the case.

SIGNED at Beaumont, Texas, this 15th day of May, 2013.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE