

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

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|-----------------------------|---|--------------------------------|
| LEO YXTA, | § | |
| <i>Plaintiff,</i> | § | |
| | § | |
| v. | § | CIVIL ACTION NO. 1:21-CV-00475 |
| | § | |
| SRZ TRANSPORTATION, TYKELIN | § | JUDGE MICHAEL J. TRUNCALE |
| GRAY, and STATE FARM MUTUAL | § | |
| AUTOMOBILE INSURANCE | § | |
| COMPANY, | § | |
| <i>Defendants.</i> | | |

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court has referred Defendant State Farm Mutual Automobile Insurance Company's *12(b)(6) Motion to Dismiss Plaintiff's Claim for Attorney's Fees* [Dkt. 21] to Magistrate Judge Zack Hawthorn for recommended disposition. [Dkt. 23]. On April 20, 2022, Judge Hawthorn issued his Report and Recommendation in which he recommended granting State Farm's motion. [Dkt. 24]. Plaintiff Leo Yxta has not filed objections, and the time for doing so has passed. Nevertheless, the Court has reviewed Judge Hawthorn's Report and Recommendation and concludes that his factual findings and conclusions of law are correct.

It is therefore ORDERED that Judge Hawthorn's Report and Recommendation [Dkt. 24] is ADOPTED. Defendant State Farm Mutual Automobile Insurance Company's *12(b)(6) Motion to Dismiss Plaintiff's Claim for Attorney's Fees* [Dkt. 21] is GRANTED.

SIGNED this 9th day of May, 2022.

Michael J. Truncale

Michael J. Truncale
United States District Judge