

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

BRIAN CHRISTOPHER SMITH,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	CIVIL ACTION NO. 1:22-CV-295-MJT-CLS
	§	
BURGER KING CORPORATION,	§	
<i>Defendant.</i>	§	

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

Plaintiff Brian Christopher Smith, proceeding *pro se* since January 24, 2023, brought this lawsuit alleging claims under the Americans with Disabilities Act, severed from Civil Action No. 1:19-CV-615. The Court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this Court. On April 24, 2023, the magistrate judge entered a Report and Recommendation [Dkt. 36] in which she recommended that this case be dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. To date, no objections have been filed.

The Court received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such referral, along with the record, pleadings, and all available evidence. After careful review, the Court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the Report and Recommendation of the United States Magistrate Judge [Dkt. 36] is ADOPTED. It is ORDERED that this case is DISMISSED WITHOUT PREJUDICE.

SIGNED this 18th day of May, 2023.

*Michael J. Truncala*

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Michael J. Truncala  
United States District Judge