

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

KENNETH PATTERSON, et al.

v.

LONNIE PILGRIM, et al.

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Case No. 2:08-CV-472-JRG-RSP

ORDER

Currently before the Court is the Report and Recommendation filed by the Magistrate Judge on August 29, 2012 (Dkt. No. 106) recommending denial of Defendants' Motion to Dismiss and Supporting Brief (Dkt. No. 79, filed May 3, 2010). Having considered the Objections filed by Defendants (Dkt. No. 107, filed September 12, 2012, and Dkt. No. 109, filed October 9, 2012), and finding them to be without sufficient merit, and having also considered the Response to the objections (Dkt. No. 108, filed September 28, 2012) the Recommendation is adopted. Accordingly,

IT IS ORDERED that the Defendants' Motion to Dismiss and Supporting Brief (Dkt. No. 79) is DENIED.

So ORDERED and SIGNED this 29th day of October, 2012.



 RODNEY GILSTRAP
 UNITED STATES DISTRICT JUDGE