

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HENRY ALEXANDER

§  
§  
§  
§  
§

vs.

CASE NO. 2:10-CV-488-TJW-CE

TEXAS FRAC FLUIDS LLC

**ORDER**

The above-titled and numbered civil action was referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge (Dkt. No. 27) has been presented for consideration. The report recommends that the court grant Defendant’s motion to dismiss. The report also recommends, however, that the court grant Plaintiff leave to amend his pleading within fourteen (14) days from the date he receives an order adopting the report. No objections to the Magistrate Judge’s report were filed.

The court is of the opinion that the conclusions of the Magistrate Judge are correct. Therefore, the court adopts the report of the United States Magistrate Judge, in its entirety, as the conclusions of this court. Accordingly, it is ORDERED that Defendant’s motion to dismiss is GRANTED. It is, however, noted that Plaintiff has already filed an amended complaint. Therefore, although the court has granted the motion to dismiss, with leave to amend, the case shall remain open and any future motions shall be directed toward the amended complaint.

SIGNED this 30th day of August, 2011.



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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE