

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

KENNETH CRAIG MILLER,

§

Plaintiff,

§

§

§

v.

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§

No. 2:17-CV-00496-JRG-RSP

CITY OF EAST MOUNTAIN, BETTY  
DAVIS, TERRY WAYNE DAVIS,  
MILTON NEAL COULTER, UPSHUR  
COUNTY, and GREGG COUNTY,

§

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§

Defendants.

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§

**ORDER**

The above entitled and numbered civil action was referred to United States Magistrate Judge Roy S. Payne pursuant to 28 U.S.C. § 636. Now before the Court is the Report and Recommendation (Dkt. No. 118) by Magistrate Judge Payne, which recommends denying Plaintiff’s Motion to Strike (Dkt. No. 72). Judge Payne also recommends denying Plaintiff’s Motion to Strike (Dkt. No. 50) as moot. No party has objected or otherwise responded to the Report and Recommendation.

Having considered the relevant motions and the parties’ briefing, **IT IS ORDERED** that Magistrate Judge Payne’s Report and Recommendation (Dkt. No. 118) is hereby **ADOPTED**. Accordingly, Plaintiff’s Motion to Strike (Dkt. No. 72) is **DENIED**, and Plaintiff’s Motion to Strike (Dkt. No. 50) is **DENIED** as **MOOT**.

**So ORDERED and SIGNED this 14th day of September, 2018.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE