

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

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

FEB 13 2009

DAVID J. WALAND, CLERK
BY
DEPUTY _____

JOHN STEPHENS

§

V.

§

§

ALLEN I.S.D. BOARD OF TRUSTEES, et al.

§

§

CASE NO. 4:08cv58

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On November 5, 2008, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction and for Plaintiff's Failure to State a Claim (Dkt. 14) be GRANTED.

The court, having made a *de novo* review of the objections raised by Plaintiff and Defendant's response, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

It is, therefore, **ORDERED** that the Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction and for Plaintiff's Failure to State a Claim (Dkt. 14) is GRANTED, and Plaintiff's claims in this matter are dismissed for failure to state a claim.

IT IS SO ORDERED.

SIGNED this 13th day of Feb., 2009.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE