

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

JOHN CARL JOHNSON

Plaintiff,

VS.

TERESA TUNE, DEREK PULS and
HAVERTY’S FURNITURE COMPANY

Defendants.

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Case No. 4:10cv124

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

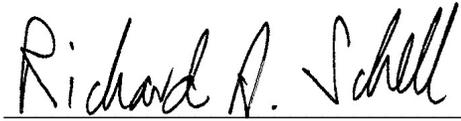
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On April 29, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants Haverty’s and Teresa Tune and Derek Puls’ Motion to Dismiss Plaintiff’s Third Amended Complaint under Rule 12(b)(6) (Dkt. 47) should be GRANTED and that Plaintiff’s claims herein should be dismissed for failure to state a claim.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the court. Therefore, Defendants Haverty’s and Teresa Tune and Derek Puls’ Motion to Dismiss

Plaintiff's Third Amended Complaint under Rule 12(b)(6) (Dkt. 47) is GRANTED and Plaintiff's claims herein are dismissed for failure to state a claim.

IT IS SO ORDERED.

SIGNED this the 29th day of July, 2011.

Handwritten signature of Richard A. Schell in black ink.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE