

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

ERIKA R. GRAY

§

V.

§

CASE NO. 4:10-CV-417

§

(Judge Schneider/Judge Mazzant)

§

LELAND KRUEGER, ET AL.

§

## 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 Leland Krueger and Greg Leveling's Second Amended Motion to Dismiss for Failure to State a Claim in Response to Plaintiff's Second Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (Dkt. #23) should be denied.

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.

It is, therefore, **ORDERED** that Defendants Leland Krueger and Greg Leveling's Second Amended Motion to Dismiss for Failure to State a Claim in Response to Plaintiff's Second Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (Dkt. #23) is DENIED at this time.

**IT IS SO ORDERED.**

**SIGNED this 1st day of June, 2011.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE