

United States District Court

EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

JAY S. COOPER

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V.

CASE NO. 4:10-CV-689
Judge Schneider/Judge Mazzant

CITY OF PLANO, 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 August 19, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants Richard Perez, John Claggett, and Earnest Oldham's Fed. R. Civ. P. 12(b)(6) Motion to Dismiss (Dkt. #102, #104) should be granted.

The Court, having made a *de novo* review of Plaintiff's objections, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections 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** Defendants Richard Perez, John Claggett, and Earnest Oldham's Fed. R. Civ. P. 12(b)(6) Motion to Dismiss (Dkt. #102, #104) is **GRANTED** and Richard Perez, John Claggett, and Earnest Oldham are dismissed with prejudice.

It is SO ORDERED.

SIGNED this 13th day of September, 2011.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE