

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

**CHARLEY LARRY**  
**Plaintiff,**

**VS.**

**TEXAS DEPARTMENT OF AGING  
AND DISABILITY SERVICES**  
**Defendant.**

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**Case No. 4:11CV374**

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

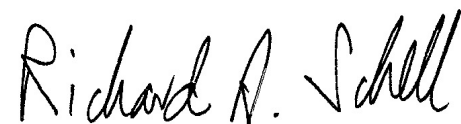
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 19, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion and Brief for Partial Summary Judgment (Dkt. 34) be DENIED, that Defendant's Motion for Summary Judgment (Dkt. 35) be GRANTED, and that summary judgment be granted for Defendant as to all claims here.

The court has made a *de novo* review of the objections raised by Plaintiff (*see* Dkt. 60) and Defendant's response (*see* Dkt. 61) and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Plaintiff's Motion and Brief for Partial Summary Judgment (Dkt. 34) is DENIED, Defendant's Motion for Summary Judgment (Dkt. 35) is GRANTED, and summary judgment is granted for Defendant as to all claims.

**IT IS SO ORDERED.**

**SIGNED this the 27th day of March, 2013.**



**RICHARD A. SCHELL**  
**UNITED STATES DISTRICT JUDGE**

