

****NOT FOR PRINTED PUBLICATION****

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

MITCHELL C. BASALDUA,

Plaintiff,

V.

AMERICAN FIDELITY ASSURANCE
COMPANY,

Defendant.

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CASE NO. 4:11cv664
Judge Clark/Judge Mazzant

**ORDER 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 March 5, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant’s Amended Motion to Dismiss [Doc. #29] 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 Defendant’s Amended Motion to Dismiss [Doc. #29] is **DENIED**.

So **ORDERED** and **SIGNED** this 4 day of **April, 2013**.



Ron Clark, United States District Judge