

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

PADRE NTERPRISES, INC.

Plaintiff,

VS.

**HUGH GARY RHEA d/b/a
RMP CROP INSURANCE**

Defendant.

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Case No. 4:11CV674

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

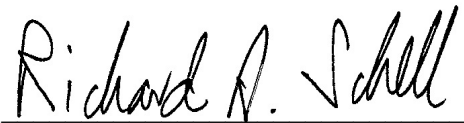
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On March 29, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and a recommendation that Defendant’s Motion to Dismiss (Dkt. 10) be GRANTED as to the quashing of the service but DENIED as to the request for dismissal.

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, Defendant’s Motion to Dismiss (Dkt. 10) is GRANTED as to the quashing

of the service but DENIED as to the request for dismissal.¹

IT IS SO ORDERED._____

SIGNED this the 28th day of September, 2012.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE

¹The court notes that, since the entry of the Magistrate Judge's Report and Recommendation, an amended return of service has been filed indicating that Defendant was served on April 10, 2012.