

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

STEVEN D. CUSHMAN in the interest
of BLAINE RYAN CUSHMAN

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v.

Case No. 4:11cv746
(Judge Schneider/Judge Mazzant)

CITY OF DENTON, 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 January 30, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion for Default Judgment (Dkt. #11) should be denied and Defendants' Motion to Dismiss Pursuant to Federal Rule 12(b)(6) (Dkt. #14) should be granted.

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 Plaintiff's Motion for Default Judgment (Dkt. #11) is **DENIED** and Defendants' Motion to Dismiss Pursuant to Federal Rule 12(b)(6) (Dkt. #14) is **GRANTED**. Plaintiff's case is **DISMISSED** without prejudice

It is SO ORDERED.

SIGNED this 24th day of February, 2012.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE