

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

GARY LYNCH, AS TRUSTEE AND
ON BEHALF OF LSM TRUST,

Plaintiff,

V.

HEALTHCARE OF TODAY, INC.,
ET AL.,

Defendants.

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CASE NO. 4:12cv110
Judge Clark/Judge Mazzant

**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 April 12, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's Motion to Remand [Doc. #8] 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 Plaintiff's Motion to Remand [Doc. #8] is DENIED.

It is further **ORDERED** that the Amended Complaint [Doc. #16] is STRUCK because Plaintiff failed to ask for leave to add a non-diverse party.

So **ORDERED** and **SIGNED** this 5 day of **June, 2012**.

A handwritten signature in black ink, appearing to read "Ron Clark". The signature is written in a cursive style with a large, stylized initial "R".

Ron Clark, United States District Judge