

and has not rebutted Defendants' argument for insufficient service of process. Additionally, Plaintiff asserts he has disclosed expert testimony, which is required in a healthcare liability claim. *See* Dkt. #50 at 1; *see also* TEX. CIV. PRAC. & REM. CODE § 74.351(a). Although this was not addressed in the report and recommendation, not only was Plaintiff's designation of an expert untimely, Plaintiff has not designated an expert; he has simply indicated that he submits an MRI, which does not comply with the requirements of the Texas Civil Practice and Remedies Code (*see* Dkt. #45). Finally, Plaintiff states violations under new statutes.² Plaintiff has not stated a claim upon which relief could be granted, he simply lists the statutes. Also, the Court notes these are federal criminal statutes that are inapplicable in this civil case.

Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge (Dkt. #47) as the findings and conclusions of this Court. It is, therefore, **ORDERED** that Defendants' motion is **GRANTED** and the case is **DISMISSED** as to Defendants United States of America, the U.S. Army, and the Federal Bureau of Investigation.

IT IS SO ORDERED.

SIGNED this 30th day of December, 2016.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE

² *See* Dkt. #50 at 2-4. Plaintiff cites to the following new statutes: 18 U.S.C. § 1801 (Video voyeurism); § 246 (Deprivation of relief benefits); § 1515 (Definitions for certain provisions; general provisions); 1518 (Obstruction of criminal investigations of health care offenses).