

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

MICHAEL F MALONE, INDIVIDUALLY	§	
AND ON BEHALF OF ALL OTHERS	§	
SIMILARLY SITUATED.;	§	Civil Action No. 4:16-CV-00614
	§	(Judge Mazzant/Judge Johnson)
	§	
v.	§	
	§	
TD AMERITRADE, INC. AND TD	§	
AMERITRADE CLEARING, INC.,	§	

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF 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 Magistrate Judge pursuant to 28 U.S.C. § 636. On July 18, 2017, the report of the Magistrate Judge (Dkt. #70) was entered containing proposed findings of fact and recommendations that Defendants' Motion for Summary Judgment (Dkt. #58) be granted, and Plaintiff's Cross Motion for Partial Summary Judgment (Dkt. #61) 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 Defendants' Motion for Summary Judgment (Dkt. #58) is **GRANTED**, Plaintiff's Cross Motion for Partial Summary Judgment (Dkt. #61) is **DENIED**, and Plaintiff's claims are **DISMISSED** with prejudice.

All relief not previously granted is **DENIED**.

**IT IS SO ORDERED.**

**SIGNED this 8th day of August, 2017.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE