

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

TOMMY WILSON	§	
	§	Civil Action No. 4:16-CV-970
v.	§	(Judge Mazzant/Judge Nowak)
	§	
ALLSTATE INSURANCE COMPANY	§	

**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 March 3, 2017, the report of the Magistrate Judge (Dkt. #28) was entered containing proposed findings of fact and recommendations that Defendant Allstate Insurance Company's Rule 12(b)(1) Motion to Dismiss for Lack of Subject Matter Jurisdiction and Rule 12(b)(6) Motion to Dismiss (Dkt. #9) be denied as moot.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the 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 Defendant Allstate Insurance Company's Rule 12(b)(1) Motion to Dismiss for Lack of Subject Matter Jurisdiction and Rule 12(b)(6) Motion to Dismiss (Dkt. #9) is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

**SIGNED this 22nd day of March, 2017.**

  
 AMOS L. MAZZANT  
 UNITED STATES DISTRICT JUDGE