

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SHELLEY SONIAT,	§	
	§	
	§	Civil Action No. 4:17-CV-00166
v.	§	(Judge Mazzant/Judge Johnson)
	§	
TEXAS REAL ESTATE COMMISSION,	§	
	§	
	§	

**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 May 15, 2017, the report of the Magistrate Judge (Dkt. #24) was entered containing proposed findings of fact and recommendations that Defendant Texas Real Estate Commission's ("TREC's") Motion to Dismiss (Dkt. #13) be granted. The Magistrate Judge recommended pro se Plaintiff Shelley Soniat's claims against TREC be dismissed because: (1) the Eleventh Amendment bars Plaintiff's claims; (2) Plaintiff's claims are frivolous under 28 U.S.C. § 1915; and (3) Plaintiff failed to state a claim upon which relief can be granted.

Plaintiff has not specifically objected to any of the Magistrate Judge's findings dismissing the case against TREC. Instead, Plaintiff reiterates the same arguments she has made in her response to the motion to dismiss (Dkt. #20). Plaintiff still requests the Court to issue an advisory opinion based on two (2) questions she wishes Defendants to answer, which the Court is not permitted to do (Dkt. #26 at 5). Plaintiff has failed to show that the Eleventh Amendment does not bar her claims, that her claims are not frivolous, and that she has stated a claim upon which relief can be granted.

Having received the report of the United States Magistrate Judge, having considered each of Plaintiff's timely filed objections (Dkt. #26), and having conducted a de novo review, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report (Dkt. #24) as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant TREC's Motion to Dismiss (Dkt. #13) is **GRANTED**, and Plaintiff's claims against Defendant TREC are **DISMISSED** with prejudice.

All relief not previously granted is **DENIED**. The Clerk is directed to **CLOSE** this civil action.

IT IS SO ORDERED.

SIGNED this 5th day of June, 2017.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE