

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

MIKE AND JACQUELINE SANCHEZ	§	
<i>Plaintiffs,</i>	§	
v.	§	Civil Action No. 4:17-CV-00892
	§	Judge Mazzant
SAFECO INSURANCE COMPANY OF	§	
INDIANA	§	
<i>Defendant.</i>	§	

**MEMORANDUM OPINION AND ORDER**

Pending before the Court is Defendant's No Evidence Partial Motion for Summary Judgment (Dkt. #43). Defendant's Motion was filed under Texas Rule of Civil Procedure 166(a)(i) (Dkt. #43). In Plaintiffs' Response to Defendant's No-Evidence Partial Motion for Summary Judgment, Plaintiffs agree that Texas Rule of Civil Procedure 166(a) governs (Dkt. #44). Both parties are mistaken. This action, having been removed to federal court (Dkt. #1), is governed by the Federal Rules of Civil Procedure. The Texas Rules of Civil Procedure have no application here. Because Defendant's Motion is procedurally deficient, Defendant's Motion is denied.

It is therefore **ORDERED** that Defendant's No Evidence Partial Motion for Summary Judgment (Dkt. #43) is hereby **DENIED**.

**SIGNED this 23rd day of January, 2020.**

  
 AMOS L. MAZZANT  
 UNITED STATES DISTRICT JUDGE