

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

BETHANY KALEY FARBER

V.

CITY OF GAINESVILLE

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CIVIL ACTION NO. 4:23CV552
JUDGE MAZZANT/JUDGE JOHNSON

**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 4, 2024, the Magistrate Judge entered a Report and Recommendation (Dkt. #13) that Defendant City of Gainesville’s 12(b)(6) Motion to Dismiss (Dkt. #8) be granted.

Having received the report of the United States Magistrate Judge, and no timely objections being 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.

Accordingly, it is hereby **ORDERED** that the 12(b)(6) Motion to Dismiss (Dkt. #8) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff’s punitive damages and Fourteenth Amendment claims against Defendant be **DISMISSED WITH PREJUDICE** and that all remaining claims against Defendant be **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that Plaintiff is given leave to file an amended complaint no later than fourteen (14) days after the entry of this Memorandum Adopting Report and

Recommendation. If Plaintiff fails to timely file an amended complaint, Plaintiff's claims should be dismissed with prejudice.

IT IS SO ORDERED.

SIGNED this 27th day of March, 2024.

A handwritten signature in black ink that reads "Amos Mazzant". The signature is written in a cursive style with a horizontal line underneath it.

AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE