

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JOHNNY M. STAFFORD,

Plaintiff,

v.

CONOCO, INC., et al.,

Defendants.

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CIVIL ACTION No. 6:08cv124

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Report and Recommendation of the Magistrate Judge (Doc. No. 53), which contains the Magistrate Judge’s proposed findings of fact and recommendations for the disposition of Defendant Eastman Kodak Company and Eastman Chemical Company’s (collectively, “Eastman”) Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. No. 45), has been presented for consideration. Plaintiff Johnny M. Stafford filed an Objection to the Magistrate Judge’s Report and Recommendation (Doc. No. 54).

Upon review, the Court finds that Plaintiff’s objections have no merit and are therefore overruled. As the Report and Recommendation already noted, the Plaintiff’s claims and subsequent objections do not present a “federal question” as required by 28 U.S.C. § 1331, nor does the Plaintiff allege jurisdiction based on complete diversity of citizenship between the parties. Having carefully considered the parties’ arguments, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court adopts the Report and Recommendation of the United States Magistrate Judge as the findings of this Court.

Accordingly, it is hereby **ORDERED** that Defendant Eastman's Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. No. 45) be **GRANTED**.

SIGNED this 10th day of September, 2009.

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive style with a horizontal line underneath it.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE