

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

**OMAR MALIK (a/k/a IKE PORTER,
a/k/a IAKE PORTER),** §
§

Plaintiff, §

v. §

**CONOCOPHILLIPS COMPANY,
DARREN PRATKA, SHANDY
HILBURN, EDWARD TOTH,
JOSEPHINE MILLER, SENDERO
RESOURCES INC., TED W.
WALTERS & ASSOCIATES L.P., and
GEO-VEST, INC.,** §
§
§

Defendants. §

CIVIL ACTION NO. 6:12-cv-655

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

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation (Doc. No. 47) recommends that Defendants ConocoPhillips and Sendero Resources' Motions to Dismiss (Doc. Nos. 37 & 39) be granted and that Plaintiff's claims be dismissed with prejudice pursuant to FED. R. CIV. P. 12(b)(6). Additionally, it is recommended that Plaintiff's fraud, negligent misrepresentation, trespass, and taking of real property claims against Defendants Geo-Vest, Inc., Josephine Miller, and Darren Pratka be dismissed because the applicable statute of limitations has expired. TEX. CIV. PRAC. & REM. CODE § 16.003(a); TEX. CIV. PRAC. & REM. CODE § 16.004(a)(4).

An acknowledgment of receipt card (Doc. No. 48) reveals that Plaintiff received the Report and Recommendation on May 17, 2014. No written objections have been filed. Accordingly, the Court adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is **ORDERED** that Plaintiff's complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted.

So ORDERED and SIGNED this 23rd day of June, 2014.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**