

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

DANYA RATLIFF

v.

BETTY COZETTE NIX, *et al.*

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 6:16cv1030

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

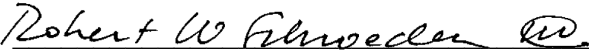
The Amended Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of the remaining claims, has been presented for consideration. The Report and Recommendation (Docket No. 27), filed on February 14, 2017, recommends that the claims against Defendant Betty Cozette Nix and Richard Hinds be dismissed with prejudice for lack of subject matter jurisdiction because Plaintiff has not alleged facts that support diversity for her state law fraud claim or facts that support a showing that Defendants are state employees or acted under color of state law for her claim under 28 U.S.C. § 1983. Docket No 27 at 3. The Court sent the Report and Recommendation to Plaintiff via regular and certified mail on the date it was issued. Plaintiff subsequently registered as a Filing User in the Electronic Filing System. The Court sent Plaintiff a copy of the Report and Recommendation electronically on March 6, 2017. To date, no written objections have been filed. The Court therefore **ADOPTS** the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that the claims against Defendant Betty Cozette Nix and Richard Hinds are **DISMISSED** with prejudice pursuant to FED. R. CIV. P. 12(b)(1) and 28 U.S.C. § 1915(e)(2). The Court previously dismissed the claims against Defendants Roxie W. Cluck and Randal L. McDonald. It is therefore

ORDERED that the complaint is **DISMISSED** and any motion not previously ruled on is **DENIED**.

SIGNED this 27th day of March, 2017.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE