

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

Lance Randall Acevedo,	§	
	§	
Plaintiff,	§	
v.	§	CASE NO. 6:16-CV-1192-RWS-KNM
	§	
Orlando Deonte Pierce and ECMD Inc.,	§	
	§	
Defendants.	§	

**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 regarding Plaintiff’s Unopposed Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. No. 10), has been presented for consideration. Because Defendants had already filed their Answers, and because Plaintiff did not indicate otherwise, the Magistrate Judge construed the Motion as a motion for voluntary dismissal of the complaint under Federal Rule of Civil Procedure 41(a)(2).

The Report and Recommendation (Doc. No. 11), filed on February 17, 2017, recommends that Plaintiff’s Complaint be dismissed without prejudice. Neither party filed written objections. The Court agrees with the Magistrate Judge and **ADOPTS** the findings and conclusions of the Magistrate Judge as those of the Court. Accordingly, it is

ORDERED that Plaintiff’s Unopposed Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. No. 10) be **GRANTED** and that Plaintiff’s Complaint be **DISMISSED** without prejudice.

SIGNED this 8th day of May, 2017.

Robert W. Schroeder III
ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE