

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

KEVIN JAMES KOHUTE,

Plaintiff,

v.

ASHLEY SLAYTON,

Defendant.

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CIVIL ACTION NO. 6:18-CV-00292-RWS

**AMENDED 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 the complaint has been presented for consideration. The Report and Recommendation (Docket No. 12), filed on August 9, 2018, recommends that the complaint be dismissed with prejudice for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B). The Court received an acknowledgment of receipt showing that Plaintiff received the Report and Recommendation on August 13, 2018. No written objections have been filed.


The Court agrees with the Magistrate Judge that Plaintiff has not met his burden of establishing federal jurisdiction and has not identified a cause of action, even after being given an opportunity to amend his pleadings to correct these deficiencies.

Accordingly, the Court **ADOPTS** the findings and conclusions of the Magistrate Judge as those of the Court.¹

It is, therefore, **ORDERED** that the complaint is **DISMISSED with prejudice** for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B).

Any motion not previously ruled on is **DENIED**.

So ORDERED and SIGNED this 19th day of September, 2018.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE

¹ An order adopting was entered on August 30, 2018 signed by District Judge Thad Heartfield. This amended order supersedes Docket No. 14.