

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

TEXAS MEDICAL ENTERPRISES, INC.     §  
v.   §             CIVIL ACTION NO. 9:13CV27  
SECRETARY, DHHS KATHLEEN             §  
SEBELIUS

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 Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim (document #37) has been presented for consideration. The Report and Recommendation recommends that the motion be granted and that the complaint be dismissed without prejudice for lack of subject matter jurisdiction. Plaintiff filed written objections to the Report and Recommendation on June 12, 2013.

Having made a *de novo* review of the written objections filed by Plaintiff, the Court finds that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. 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 Motion to Dismiss for Lack of Subject Matter Jurisdiction and for Failure to State a Claim (document #37) is **GRANTED**. The complaint is **DISMISSED** without prejudice for lack of subject matter jurisdiction. Any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this **24** day of **June, 2013**.



---

Ron Clark, United States District Judge