

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

CANDICE E. JOHNSON,

Plaintiff,

v.

CHERRY MATHEW,

Defendant.

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Civil Action No. 9:13-cv-272

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE

This proceeding was referred to the undersigned United States Magistrate Judge, at Lufkin, Texas, for determination of non-dispositive pretrial matters pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to United States Magistrate Judges.

In her original *pro se* pleading, Plaintiff filed suit against Dr. Cherry Mathew, asserting what Plaintiff characterizes as health care liability claims. Although the complaint was very unclear, it appeared that Plaintiff alleged Defendant falsified medical records that were submitted in connection with Plaintiff’s Social Security disability case. Plaintiff has filed a separate Social Security appeal with the court. Because a basis for federal jurisdiction was not present in Plaintiff’s original complaint, the court previously directed Plaintiff to amend her complaint to address this issue. Doc. # 5. Plaintiff then filed what she termed an amended complaint, Doc. # 6, but which added no new facts or allegations to her prior complaint.

On December 12, 2013, the magistrate judge entered a Report and Recommendation, recommending that the case be dismissed. Specifically, the magistrate judge found that Plaintiff’s pleadings did not allege facts showing either diversity or federal question jurisdiction. As such, the

magistrate judge found that there was no basis for federal jurisdiction and recommended Plaintiff's case be dismissed. Doc. # 7. Plaintiff subsequently filed objections. Doc. # 9.

Pursuant to Federal Rule of Civil Procedure 72 and 28 U.S.C. § 636(b), the court has conducted a *de novo* review of the magistrate judge's report and recommendation, Plaintiff's objections, and the record as a whole, and concludes that the objections are without merit. The objections do nothing to establish either diversity or federal question jurisdiction in this case; rather, they again focus only on Defendant's alleged falsification of medical records to the SSA in connection with Plaintiff's disability case. This court agrees with the magistrate judge and overrules Plaintiff's objections.

IT IS THEREFORE ORDERED that the court ADOPTS the magistrate judge's Report and Recommendation [Doc. # 7]. This case is DISMISSED.

So **ORDERED** and **SIGNED** this **12** day of **May, 2014**.



Ron Clark, United States District Judge