

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

CHRISTOPHER LEE GAITHER,

Plaintiff,

v.

GREGORY S. DAVID, et al.,

Defendants.

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2:15-CV-104-D

**ORDER**

After making an independent review of the pleadings, files, and records in this case, and the October 22, 2018 findings, conclusions, and recommendation of the United States Magistrate Judge, the court concludes the magistrate judge’s findings and conclusions are correct. The recommendation of the magistrate judge is adopted, and defendant Smith’s motion to dismiss is denied.

**SO ORDERED.**

November 30, 2018.

  
SIDNEY A. FITZWATER  
SENIOR JUDGE