

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

ROGER PAYNE,

Plaintiff,

VS.

UNIVERSAL RECOVERY, INC., et al.,

Defendants.

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Civil Action No. 3:11-CV-1672-D

**ORDER**

On December 7, 2011 the magistrate judge recommended that plaintiff’s August 19, 2011 motion to hold case in abeyance be denied and, if plaintiff filed an amended complaint, that defendant’s August 24, 2011 motion to dismiss be denied as moot. On December 21, 2011 plaintiff filed an amended complaint. Accordingly, the court adopts the December 7, 2011 findings, conclusions, and recommendation the magistrate judge. Plaintiff’s motion to hold case in abeyance is denied, and defendants’ motion to dismiss is denied without prejudice as moot.

**SO ORDERED.**

February 17, 2012.

  
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SIDNEY A. FITZWATER  
CHIEF JUDGE