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

| GERALD STONE, |) | |
|---------------------------|---|-----------------------|
| Plaintiff, |) | |
| vs. |) | No. 3:11-CV-2263-B-BK |
| |) | |
| INTERNAL REVENUE SERVICE, |) | |
| Defendant. |) | |

ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. No objections were filed. The District Court reviewed the proposed findings, conclusions and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

Defendant's Motion to Dismiss Plaintiff's claim under the Declaratory Judgment Act is **GRANTED**, and that claim is **DISMISSED WITH PREJUDICE**. Defendant has 14 days from the date of this order to respond to Plaintiff's remaining claims.

TED STATES DISTRICT JUDGE

SO ORDERED.

SIGNED this 3rd day of February, 2012

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