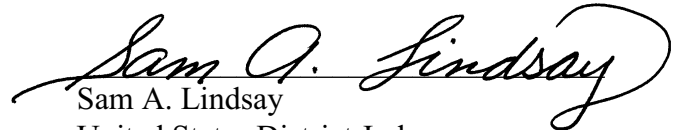


In the Report, the magistrate judge recommends that the court grant Defendants' motions to dismiss; deny as moot Plaintiff's summary judgment motions; deny Plaintiff's motions to amend her pleadings; and dismiss with prejudice this action. No objections were filed to the Report.

Having reviewed the motions, briefs, pleadings, file, record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions of the magistrate judge are correct and **accepts** them as those of the court, except that the court will deny Plaintiff's Amended Motion for Summary Judgment in light of the court's determination that Defendants' motions to dismiss should be granted rather than denied as moot. Plaintiff's Amended Motion for Summary Judgment replaced and moots Plaintiff's earlier filed Motion for Summary Judgment and will therefore be denied as moot as recommended by the magistrate judge. Further, as noted by the magistrate judge, amendment would be futile "because Plaintiff has pleaded herself out of court." Report 20. Thus, Plaintiff will not be allowed another opportunity to further amend her pleadings.

Accordingly, the court **grants** the Motion to Dismiss First Amended Complaint by Defendant Blue Cross Blue Shield of Texas (Doc. 44); **grants** Defendant TI Employees Health Benefit Plan's Motion to Dismiss (Doc. 45); **denies as moot** Plaintiff's Motion for Summary Judgment (Doc. 78); **denies** Plaintiff's Amended Motion for Summary Judgment (Doc. 82); **denies** Plaintiff's Motion for Leave to File Amended Pleading (Doc. 65); **denies** Plaintiff's Motion to Dismiss Motion to Leave Filed on November 13, 2013 (Doc. 74); **denies** Plaintiff's Motion for Leave to File Amended Pleading (Doc. 75); and **dismisses** this action **with prejudice** pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted.

It is so ordered this 14th day of July, 2014.


Sam A. Lindsay
United States District Judge