

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

DONNIE G. RUBELL,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 7:10-CV-176-O
	§	
GENERAL DYNAMICS CORP,	§	
PACIFIC EMPLOYERS INSURANCE/	§	
CIGNA INSURANCE OF TEXAS, AND	§	
TEXAS DEPARTMENT OF INSURANCE	§	
DIVISION OF WORKERS	§	
COMPENSATION,	§	
	§	
Defendant.	§	

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (ECF No. 12) and Plaintiff’s Motion for New Trial (ECF No. 14), in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

Plaintiff moves the Court for a new trial under Rule 59(a)(1)(B) of the Federal Rules of Civil Procedure. *See* Pl.’s Mot. for New Trial, ECF No. 14. The Court construes this as an objection to the Findings, Conclusions, and Recommendation of the United States Magistrate Judge. The Magistrate Judge recommends that the Court dismiss this case for want of subject matter jurisdiction because no federal question is involved and complete diversity is lacking. *See* FCR, ECF No. 12. Because Plaintiff’s motion fails to establish subject matter jurisdiction and lacks merit, the Court finds Plaintiff’s motion should be and is hereby **DENIED**.

It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation of the United States Magistrate Judge are accepted. Accordingly, Defendant General Dynamics Corporation Motion to Dismiss (ECF No. 10) and Defendant Pacific Employers Insurance/CIGNA

Insurance of Texas' Motion to Dismiss (ECF No. 11) are **GRANTED**. Accordingly, Plaintiff's suit is dismissed without prejudice for the reasons stated in the Magistrate Judge's Findings, Conclusions, and Recommendation.

SO ORDERED on this **8th** day of **February, 2011**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE