

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

DERRICK ANTHONY WALKER,

Plaintiff,

v.

TRINITY OIL AND GAS CO.,

Defendant.

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Civil Action No. 7:16-cv-00098-O

ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. *See* ECF No. 28. The Magistrate Judge recommended that Plaintiff’s claims brought under federal law be dismissed with prejudice and Plaintiff’s claim brought under state law be dismissed without prejudice. *Id.* The Magistrate Judge mandated that any objections filed by the parties “identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the Magistrate Judge’s report and recommendation where the disputed determination is found.” *Id.* at 9. The deadline to file objections expired on December 27, 2016, and Plaintiff made new filings on December 28, 2016.¹ The Court has reviewed Plaintiff’s new filings and finds they contain no specific objections, the proposed complaint does not remedy the defects, and overall they do not merit a change in the Magistrate Judge’s report and recommendation. Because no objections were filed, the District Court has reviewed the

¹ On December 28, 2016, Plaintiff filed: Motion for Leave to File Out of Time (ECF No. 29); Motion to Stay Report and Recommendation of the Magistrate (ECF No. 30); Motion for Leave to File Third Amended Complaint (ECF No. 31); and Third Amended Complaint (ECF No. 32).

proposed findings, conclusions, and recommendation for plain error. Finding none, the Court **ACCEPTS** the findings, conclusions, and recommendation of the United States Magistrate Judge.

Accordingly, it is **ORDERED** that the findings, conclusions, and recommendation of the United States Magistrate Judge are accepted as the findings of the Court. Plaintiff's claims for alleged violations of federal law under 30 U.S.C. §§ 1701, 1732, the Fourth and Fourteenth Amendments to the Constitution, and 42 U.S.C. §§ 1981, 1985(2), and 1986 (ECF No. 12) are hereby **DISMISSED with prejudice** for failure to state a claim. Further, Plaintiff's remaining claim for alleged violation of the Texas DTPA (ECF No. 12) is **DISMISSED without prejudice** on jurisdictional grounds. Further, Plaintiff's Motion for Jury Trial Setting (ECF No. 26); Motion for Leave to File Out of Time (ECF No. 29); Motion to Stay Report and Recommendation of Magistrate (ECF No. 30); and Motion for Leave to File Third Amended Complaint (ECF No. 31) are **DISMISSED as moot**.

SO ORDERED this 13th day of January, 2017.


Reed O'Connor
UNITED STATES DISTRICT JUDGE