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

SHELLY D. PARHAM, Individually, and VICTOR HINES, III, as Independent Administrator of, and on behalf of, the Estate of Marcus Johnson,	§	
Plaintiffs,	§	
v.	§	**Civil Action No. 7:17-cv-00036-M-BP**
CITY OF BURKBURNETT, TEXAS, and DANIEL C. ELBAUM,	§	
Defendants.	§	

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

After reviewing the Findings, Conclusions, and Recommendation of the United States Magistrate Judge for plain error, I am 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.

Accordingly, Defendant Elbaum's Motion to Dismiss (ECF No. 7) is **DENIED** without prejudice as **MOOT**.

SIGNED this 26th day of April, 2017.

Barbara M. G. Lynn

BARBARA M. G. LYNN
CHIEF JUDGE