

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

**R. ALEXANDER ACOSTA,
Secretary of Labor,
United States Department of Labor**

Plaintiff,

v.

**PEBA OIL AND GAS, INC., and
ELLIS "PETE" HORTON,**

Defendants.

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Civil Action No. 7:17-CV-00156-M-BP

**ORDER ACCEPTING FINDINGS 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, Defendants' Motion to Dismiss Plaintiff's Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) and Memorandum in Support Thereof (ECF No. 5) is **DENIED** without prejudice.

SIGNED this 28th day of February, 2017.


BARBARA M. G. LYNN
CHIEF JUDGE