

United States District Court
Southern District of Texas

ENTERED

January 19, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
—BROWNSVILLE DIVISION—**

EDWARD MEZA,
Plaintiff,

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VS.

CIVIL NO. B-16-137

CITY OF PORT ISABEL, JUAN JOSE
ZAMORA & MARTIN CANTU,
Defendants.

ORDER

On December 5, 2016, the United States Magistrate Judge filed a Report and Recommendation. [Doc. No. 24]. Plaintiff has objected to said Report and Recommendation. [Doc. No. 26].

Having considered *de novo* the Magistrate Judge’s Report and Recommendation and the issues raised by Plaintiff’s objections, the Court orders that the Magistrate Judge's Report and Recommendation is hereby adopted. Therefore, the motion to dismiss filed by Defendants City of Port Isabel, Juan Jose Zamora, and Martin Cantu is granted as follows: Plaintiff Edwardo Meza’s claims for (1) First Amendment retaliation; and (2) violations of ERISA are both dismissed with prejudice for failure to state a claim upon which relief can be granted, pursuant to Fed. R. Civ. P. 12(c). Additionally, Zamora and Cantu are both entitled to qualified immunity as to the First Amendment retaliation claim. Meza’s claims for breach of contract and fraudulent inducement are dismissed without prejudice to refile in state court.

Signed this 19th day of January, 2017.



Andrew S. Hanen
United States District Judge