

United States District Court
Southern District of Texas

ENTERED

January 08, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

NICK LECLAIR, *et al*,

Plaintiffs,

VS.

DEPARTMENT OF FAMILY
PROTECTIVE SERVICES, *et al*,

Defendants.

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CIVIL ACTION NO. 2:17-CV-057

ORDER ADOPTING MEMORANDA AND RECOMMENDATIONS

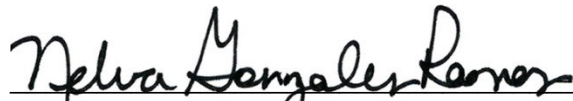
On December 11, 2017, United States Magistrate Judge B. Janice Ellington issued two Memoranda and Recommendations (D.E. 37, 38), recommending that Plaintiff Emily Whipple’s motion to dismiss be construed as a motion to withdraw and be denied and that Plaintiffs’ claims against Defendants Carmen Avalos and the City of Corpus Christi be dismissed. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. While the notices were returned as undeliverable, it is Plaintiffs’ obligation to keep the Court informed of their current addresses. No timely objections to the Memoranda and Recommendations have been filed.

When no objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v.*

PPG Industries, Inc., 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's Memoranda and Recommendations (D.E. 37, 38), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Court construes Plaintiff Emily Whipple's Motion for Voluntary Dismissal (D.E. 28) as a motion to withdraw and **DENIES** the motion (D.E. 28). The Court **GRANTS** Defendant Carmen Avalos's Motion to Dismiss Plaintiff's Complaint (D.E. 30) and **DISMISSES** Plaintiffs' claims against Carmen Avalos. The Court **GRANTS** Defendant City of Corpus Christi's Motion to Dismiss Pursuant to Federal Rules of Civil Procedure 8(a) and 12(b)(6) (D.E. 34) and **DISMISSES** Plaintiffs' claims against the City of Corpus Christi.

ORDERED this 8th day of January, 2018.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE