

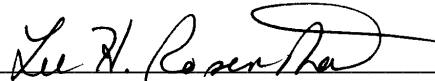
**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

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|-----------------------------|---|---------------------------|
| RADOSLAV DIMITRIC, | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | CIVIL ACTION NO. G-07-247 |
| | § | |
| TEXAS WORKFORCE COMMISSION, | § | |
| <i>et al.</i> , | § | |
| | § | |
| Defendants. | § | |

MEMORANDUM AND ORDER

The plaintiff appealed from this court's order adopting the magistrate judge's orders entered on the motion for partial summary judgment (Docket Entry No. 90), as well as orders denying motions to extend time to designate experts, to allow access to courts, and to extend the time to file objections. (Docket Entry No. 69, 70, 72, and 113). This court has conducted a de novo review of the Report and Recommendation of the United States Magistrate Judge signed on November 21, 2008. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C). This court adopts the Report and Recommendation as the court's Memorandum and Order. In addition to the reasons set out by the magistrate judge finding the appeal premature, the Fifth Circuit has dismissed the attempted interlocutory appeal, making the motion to appeal moot. Accordingly, it is ordered that the motions for appeal, to extend time to designate experts, to allow access to the courts, and for extension of time to object, are denied.

SIGNED on January 5, 2009, at Houston, Texas.



Lee H. Rosenthal
United States District Judge