

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

STEVE EVERT, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. G-10-117
	§	
CITY OF GALVESTON, TEXAS, <i>et al</i> ,	§	
	§	
Defendants.	§	

**ORDER ADOPTING  
REPORT AND RECOMMENDATION**

**This matter is before the Court upon the Plaintiffs' objections to the Report and Recommendation of Magistrate Judge John R. Froeschner. On May 19, 2010, this case was referred to Judge Froeschner pursuant to 28 U.S.C. § 636(b)(1)(B). Pending before Judge Froeschner was the Motion for Summary Judgment of Defendant City of Galveston, the Plaintiffs' response, and the City's reply. On August 3, 2010, Judge Froeschner issued a Report and Recommendation recommending that the City's Motion for Summary Judgment be granted.**

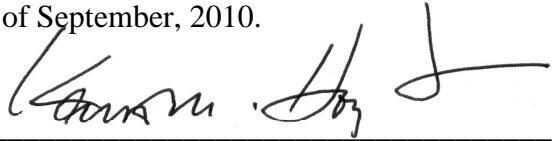
**On August 23, 2010, the Plaintiffs filed their objections to the Report and Recommendation. On August 31, 2010, the City filed its response to the Plaintiffs' objections. This Court is now required to give this matter *de novo* review pursuant to 28 U.S.C. § 636(b)(1)(C).**

**As required, the Court has conducted an independent assessment of the entire record in this case and finds that Judge Froeschner's findings and recommendation are well-grounded in law and fact.**

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that:

- 1) the **Report and Recommendation of Magistrate Judge Froeschner is APPROVED and ADOPTED by this Court;**
- 2) the **Plaintiffs' objections to the Report and Recommendation are OVERRULED;**
- 3) the **Motion for Summary Judgment (Instrument no. 4) of the City of Galveston is GRANTED; and**
- 4) **all claims asserted by the Plaintiffs against the City in their original petition are DISMISSED.**

SIGNED at Houston, Texas this 13th day of September, 2010.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt  
United States District Judge