


the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and Recommendation; the pleadings and summary judgment record; and the briefing and arguments of the parties. The Court **ACCEPTS** Judge Edison's Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) The Plaintiff's Objections to Magistrate Judge's Memorandum and Recommendation are **OVERRULED**;
- (2) Marathon's Motion for Summary Judgment is **GRANTED**;
- (3) Marathon's Objections to Plaintiff's Evidence Opposing Summary Judgment is **DENIED**;
- (4) This case is **DISMISSED**; and
- (5) All other pending motions are **DENIED AS MOOT**.

SIGNED at Galveston, Texas, this 13th day of June, 2018.



George C. Hanks Jr.
United States District Judge