

United States District Court
Southern District of Texas

ENTERED

June 12, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

NEIL GILMOUR, et al.

Plaintiff.

VS.

HUMANA HEALTH PLAN OF
TEXAS, INC., et al.

Defendant.

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CIVIL ACTION NO. 3:17-CV-00179

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

Pending before the Court is the Memorandum and Recommendation of United States Magistrate Judge Andrew Edison. On May 2, 2018, this Court referred Defendants' Motion to Dismiss to Judge Edison (Dkt. 32). On May 18, 2018, Judge Edison filed a Memorandum and Recommendation recommending that Defendants' Motion to Dismiss be denied (Dkt. 35).

No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also*, FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

- (1) Judge Edison's Memorandum and Recommendation is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendants' Motion to Dismiss (Dkt. 18) is **DENIED**;

It is so **ORDERED**.

SIGNED and ENTERED this 17th day of June, 2018.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE