ENTERED May 31, 2018 David J. Bradley, Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS GALVESTON DIVISION

WM ROBERSON	§
	§
Plaintiff.	§
	§
	§
VS.	§ § § § § § §
	§
THE BANK OF NEW YORK MELLON,	
STEVE LEVA, and	§
	§
	§
Defendants.	§

CIVIL ACTION NO. 3:17-CV-00190

ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

Pending before the Court is the May 7, 2018 Memorandum and Recommendation of United States Magistrate Judge Andrew M. Edison. On April 27, 2018, this case was referred to Judge Edison. (Dkt. 55). On May 7, 2018, Judge Edison filed a Memorandum and Recommendation recommending that the Defendant Jeffry B. Lewis's Motion to Dismiss ("Lewis's Motion to Dismiss") and Trustee's Motion to Dismiss Pursuant to Section 51.007(c) of the Texas Property Code ("Trustee's Motion to Dismiss") be granted. (Dkt. 60).

On May 24, 2018, Roberson filed his Objections. In accordance with 28 U.S.C. § 636(b)(1), this Court is required to "make a de novo determination of those portions of 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 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) Judge Edison's Memorandum and Recommendation is **APPROVED AND ADOPTED** in its entirety as the holding of the Court;
- (2) Lewis's Motion to Dismiss (Dkt. 27) is **GRANTED with prejudice**;
- (3) Trustee's Motion to Dismiss (Dkt. 28) is **GRANTED without prejudice**; and
- (4) This case is **DISMISSED** as to Defendants Steve Leva and Jeffry B. Lewis.

It is so **ORDERED**.

SIGNED and ENTERED this <u>3</u>th day of May, 2018.

Sean

GEORGE C. HANKS, JR. UNITED STATES DISTRICT JUDGE