

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

STEVE BAKER,

Plaintiff,

v.

TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, et al.,

Defendants.

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. H-12-2241

ORDER

The court has reviewed the Magistrate Judge's Memorandum and Recommendation dated October 29, 2013, the objections thereto, and the response to the objections.

Defendants argued in their objections that the court should not adopt the Magistrate Judge's recommendation with regard to her decision not to consider Defendants' arguments in favor of dismissing Plaintiff's due process claim because of Defendants' failure to raise the arguments until their reply brief. In his response, Plaintiff agreed with Defendants that the due process claim is not viable under Fifth Circuit law and should be dismissed.

Therefore, the court **SUSTAINS** Defendants' objections with regard to the due process claim and grants summary judgment on that claim. In all other respects, the Memorandum and Recommendation dated October 29, 2013, is hereby **ADOPTED** by this court.

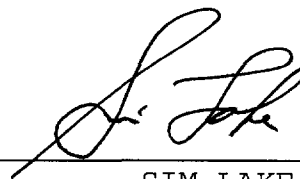
The parties are **ORDERED** to complete discovery by March 10, 2014. Nondispositive motions must be filed by March 20, 2014. No further dispositive motions may be filed.

The case is scheduled for docket call on April 11, 2014, at 4:00 p.m., in Courtroom 9B at the United States Courthouse, 515 Rusk Avenue, Houston, Texas. The Joint Pretrial Order is due April 4, 2014. Plaintiff is responsible for timely filing the complete joint pretrial order. The court will not accept separate versions of the pretrial order.

No instrument filed within seven days of docket call shall be considered. All pending motions may be ruled on at docket call, and the case will be set for trial if the joint pretrial order has been filed.

The Clerk shall send copies of this Order to the respective parties.

SIGNED at Houston, Texas, on this 11th day of December, 2013.



SIM LAKE
UNITED STATES DISTRICT JUDGE