

United States District Court  
Southern District of Texas

**ENTERED**

March 09, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MADOUSSOU KANE,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. 4:15-CV-1861
	§	
SCOTT YANCEY, <i>et al</i> ,	§	
	§	
Defendants.	§	

**Opinion and Order**

Before the court are Defendants' Rule 12(b)(6) Motion to Dismiss (Document No. 14) and Plaintiff's Response in Opposition (Document No. 17). These documents were referred to Judge Stacy, United States Magistrate Judge. Judge Stacy filed a Memorandum and Recommendation on February 16, 2016 (Document No. 29), recommending that Defendants' Motion (Document No. 14) be granted. As described below, the Court will adopt the findings of the Magistrate Judge.

No party has objected to the findings of the Magistrate Judge; therefore the Court will review the Memorandum and Recommendation of the Magistrate Judge under a "clearly erroneous, abuse of discretion and contrary to law" standard. *U.S. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). The Court finds that the Magistrate Judge's Memorandum and Recommendation are not clearly erroneous or contrary to law.

Having considered all applicable motions and the evidence in support thereof, the Magistrate Judge's Memorandum and Recommendation, the record of the case, and all applicable law, the Court adopts the Magistrate Judge's Memorandum and Recommendation as its own and

ORDERS that Defendants' Motion to Dismiss (Document No. 14) is GRANTED and  
ORDERS that Plaintiff's claims are DISMISSED with prejudice.

SIGNED at Houston, Texas, this 9<sup>th</sup> day of March, 2016.



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MELINDA HARMON  
UNITED STATES DISTRICT JUDGE