

United States District Court
Southern District of Texas

ENTERED

June 19, 2017

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UMEKA LEWIS-PICCOLO,

Plaintiff,

v.

CITY OF HOUSTON, *et al.*,

Defendants.

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CIVIL ACTION H-16-2897

ORDER

Pending before the court is the Magistrate Judge’s Memorandum and Recommendation (“M&R”), recommending that (1) defendants City of Houston and Elizabeth E. Gonzalez’s motion to dismiss (Dkt. 42) be GRANTED IN PART AND DENIED IN PART; (2) that defendant Maged Mohammed Abuzaid’s (also known as David Reyes) motion to dismiss (Dkt. 43) be DENIED; and that (3) defendants’ earlier motions to dismiss plaintiff’s second amended complaint (Dkts. 20, 22) be DENIED AS MOOT. Dkt. 47. According to the M&R, the following claims remain: “Plaintiff’s Section 1983 claim against Gonzalez and Plaintiff’s claims for assault and IIED against Abuzaid.” *Id.* at 25–26.

The M&R advises that any party wishing to object to the M&R must do so by June 15, 2017. *Id.* at 26. The court has received no objections. The court, having reviewed the M&R, relevant documents in the record, and the applicable law, and having received no objections, ADOPTS the M&R in its entirety.

For the reasons stated in the M&R, (1) defendants City of Houston and Gonzalez's motion to dismiss (Dkt. 42) is GRANTED IN PART AND DENIED IN PART; (2) Abuzaid's motion to dismiss (Dkt. 43) is DENIED; and (3) defendants' earlier motions to dismiss plaintiff's second amended complaint (Dkts. 20, 22) are DENIED AS MOOT.

It is so ORDERED.

Signed at Houston, Texas on June 19, 2017.



Gray H. Miller
United States District Judge