

United States District Court  
Southern District of Texas

**ENTERED**

July 06, 2017

David J. Bradley, Clerk

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

DOUGLAS T. WATKINS,

*Plaintiff,*

v.

KLEIN ISD, *et al.*,

*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION H-16-3223

**ORDER**

Pending before the court is a memorandum and recommendation filed by Magistrate Judge Nancy Johnson (“M&R”). Dkt. 22. The M&R recommends granting the defendants’ motion to dismiss (Dkt. 7), denying plaintiff Douglas T. Watkins’s motion to grant relief (Dkt. 18), and denying Watkins’s motion for continuance (Dkt. 15). *Id.* The M&R advises that any party wishing to object to the M&R must do so by July 6, 2017. *Id.*

On June 23, 2017, Watkins filed a letter asserting that he did not receive two pieces of correspondence from the defendants, but acknowledged that he received a copy of defendants’ motion to dismiss (Dkt. 7) by certified mail return receipt requested. Dkt. 23; *see* Dkt. 12 (notice of service). To the extent that the letter constitutes objections to the M&R, Watkins does nothing more than repeat his requests for relief and for the court to “dismiss the Defendants claim,” which Judge Johnson construed as the defendants’ motion to dismiss. *Id.* at 1; *see* Dkt. 22 at 4 (plaintiff “demands damages based on defendants’ filing of the motion to dismiss”).

For dispositive matters, the court “determine(s) de novo any part of the magistrate judge’s disposition that has been properly objected to.” *See* Fed. R. Civ. P. 72(b)(3). “The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the

matter to the magistrate judge with instructions.” *Id.* “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b), Advisory Comm. Note (1983). For nondispositive matters, the court may set aside the magistrate judge’s order only to the extent that it is “clearly erroneous or contrary to law.” Fed. R. Civ. P. 72(a); *see also* 28 U.S.C. § 636(b)(1)(A).

After considering the M&R, the record, Watkins’s letter, and the applicable law, the court is of the opinion that the objections should be OVERRULED. The court ADOPTS IN FULL the M&R. For the reasons stated in the M&R, defendants’ motion to dismiss (Dkt. 7) is GRANTED, Watkins’s motion to grant relief (Dkt. 18) is DENIED, and Watkins’s motion for continuance (Dkt. 15) is DENIED. Watkins’s claims are DISMISSED WITHOUT PREJUDICE.

It is so ORDERED.

Signed at Houston, Texas on July 6, 2017.



---

Gray H. Miller  
United States District Judge