

this subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law.

(B) A judge may also designate a magistrate judge to conduct hearings including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by a judge of the court, of any motion excepted in subparagraph (A), of applications for posttrial relief made by individuals convicted of criminal offenses and of prisoner petitions challenging conditions of confinement.

Findings to which no specific objections are made require the court only to decide whether the memorandum and recommendation is clearly erroneous or contrary to law. *U.S. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Under this deferential standard of review the court must affirm the magistrate judge's description unless it finds that based on all the evidence it is "left with a definite and firm conviction that a mistake has been committed." *Baylor Health Care Sys. v. Equitable Plan Services, Inc.*, 955 F. Supp. 2d 678, 689 (N.D. Tex. 2013), quoting *U.S. v. Gypsum Co.*, 333 U.S. 364, 395 (1948). The district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C).

After a careful review of the record and the applicable law, the Court finds the memorandum and recommendation is not clearly erroneous or contrary to law. The Court concurs with Magistrate Judge Stacy's careful and thorough analysis and accordingly ADOPTS her memorandum and order as its own. Therefore the Court

ORDERS that Defendant's motion to compel arbitration (Doc. 7) is GRANTED and that this action is STAYED and ABATED, pending resolution of the arbitration.

SIGNED at Houston, Texas, this 13th day of March, 2018.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE