

United States District Court  
Southern District of Texas

**ENTERED**

May 25, 2018

David J. Bradley, Clerk

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

**A. PSEUDONYM; agent DR. C,**

**Plaintiffs,**

**VS.**

**EAST HOUSTON REGIONAL MEDICAL  
CENTER D/B/A BAYSHORE MEDICAL  
CENTER,**

**Defendant.**

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**CIVIL ACTION NO. 4:17-CV-3277**

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

The Court has reviewed the Memorandum and Recommendation (Instrument No. 32) signed by Magistrate Judge Christina Bryan regarding Instrument No. 8, Defendant's Motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) and Motion to dismiss pursuant to the Texas Citizens Participation Action (TCPA) at Instrument No. 9.

The Court has reviewed the Memorandum and Recommendation and objections and made a de novo review of the Magistrate Judge's recommended dispositions to which objections were raised, Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *McLeod, Alexander, Powel & Apffel P.C. v. Quarles*, 925 F.2d 853, 855 (5th Cir. 1991), and after consideration of the applicable law, is of the opinion that said Memorandum and Recommendation should be adopted by this Court.

It is **ORDERED** that the Medical Center's motions to dismiss under the TCPA and Rule 12(b)(6) are **GRANTED** as to Plaintiff's business disparagement claim, it's motion to dismiss under rule 12(b)(6) is **DENIED** as to her claim under 42 U.S. C. Sec. 1981; and that Plaintiff is **GRANTED** leave to amend her Complaint on or before June 30, 2018.

**ORDERED, ADJUDGED and DECREED** that United States Magistrate Judge Bryan's Memorandum and Recommendation is hereby adopted by this Court.

The Clerk shall enter this Order and provide all parties with a true copy.

SIGNED on this the 25<sup>th</sup> day of May, 2018, at Houston, Texas.



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**VANESSA D. GILMORE**  
**UNITED STATES DISTRICT JUDGE**