

United States District Court
Southern District of Texas

ENTERED

January 10, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KENNETH W. BENJAMIN,

§

Plaintiff.

§

§

VS.

§

§

CIVIL ACTION NO. 4:20-CV-00214

THE BANK OF NEW YORK
MELLON, ET AL.,

§

§

§

Defendants.

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§

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

On January 13, 2021, all dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B). Dkt. 84. Judge Edison filed a Memorandum and Recommendation on December 7, 2021, recommending that Defendants’ Motion for Summary Judgment (Dkt. 143) be **GRANTED**. *See* Dkt. 163.

On December 16, 2021, Plaintiff filed his Objections. *See* Dkt. 164. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” 28 U.S.C. § 636(b)(1)(C). After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and Recommendation; the pleadings; and the record. The Court **ACCEPTS** Judge Edison’s Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 163) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendants' Motion for Summary Judgment (Dkt. 143) is **GRANTED**.

It is so **ORDERED, SIGNED, and ENTERED** this 8th day of January, 2022.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE