

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MORGAN ENGLISH,
Plaintiff,

v.

CITY OF WACO, TEXAS, ET AL,
Defendants.

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A-17-CV-00219-ADA

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

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 64. The report recommends the County Defendant's Motion to Dismiss Morgan English's First Amended Complaint (ECF No. 44), the City Defendants' Motion to Dismiss Morgan English's First Amended Complaint (ECF No. 45), be **GRANTED in part** and **DENIED in part**. The report and recommendation was filed on July 15th, 2024.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider "[f]rivolous, conclusive, or general objections." *Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996)).

Defendants McLennan County and Abelino Reyna filed objections on July 16, 2024. ECF No. 65. Plaintiff Morgan English filed objections on July 29, 2024. ECF No. 66. The Court has conducted a *de novo* review of the Motion, the responses, the report and recommendation, the

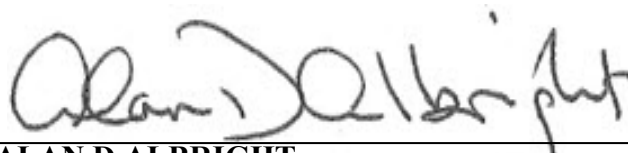
objections to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske., ECF No. 64, is **ADOPTED**.

IT IS FURTHER ORDERED that the following claims be **DISMISSED**: Plaintiffs' Fourteenth Amendment claims against each Defendant; Plaintiffs' Fourth Amendment Malley claims against each Defendant; Plaintiffs' Fourth Amendment Franks claims against Stroman and Swanton; Plaintiffs' excessive bail claims; Plaintiffs' conspiracy claims; Plaintiffs' claims against the City of Waco; that Plaintiffs' claims against the County; Plaintiffs RICO violations claims; Plaintiffs' libel and slander claims; Plaintiffs' intentional infliction of emotional distress; Plaintiffs' false arrest claims; and Plaintiffs' First Amendment claims.

IT IS FINALLY ORDERED that Defendants' Motions to Dismiss Plaintiffs' Franks claims against Reyna and Chavez be **DENIED**

SIGNED this 28th day of August, 2024.

A handwritten signature in black ink that reads "Alan D. Albright". The signature is written in a cursive, flowing style.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE