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

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. 18. Defendants Frost and Schwartz's Motion to Dismiss (ECF No. 35); Defendants Abelino Reyna and McLennan County's Motion to Dismiss (ECF No. 36); and Defendants City of Waco, Brent Stroman, Manuel Chavez, Robert Lanning, Jeffrey Rogers, and Patrick Swanton's Motion to Dismiss (ECF No. 37); and the City of Waco's Supplement to its Motion to Dismiss (ECF No. 16) be **GRANTED in part** and **DENIED in part**. The report and recommendation was filed on July 22th, 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 24, 2024 and

filed an amended objection on July 26, 2024. ECF Nos. 19, 21. Defendant Manuel Chavez filed

objections on July 26, 2024. ECF No. 22. 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. 18, is **ADOPTED**.

IT IS FURTHER ORDERED that the following claims are DISMISSED: Plaintiff's

Fourteenth Amendment claims against each Defendant; Plaintiff's Fourth Amendment Malley

claims against each Defendant; Plaintiff's Fourth Amendment Franks claims against Stroman,

Lanning, Swanton, Rogers, Frost, and Schwartz; Plaintiff's conspiracy claims; Plaintiff's claims

against the City of Waco; and Plaintiff's claims against the County.

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.

ALAN D ALBRIGHT

UNITED STATES DISTRICT JUDGE