

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

LESLIE CASAUBON,

Plaintiff,

v.

TEXAS MUTUAL INSURANCE COMPANY
and DONNA R. CROSBY, *Travis County*
District Attorney,

Defendants.

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1:19-CV-617-DII

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Dustin Howell concerning Defendant Donna R. Crosby’s Motion to Dismiss, (Dkt. 52), and Defendant Texas Mutual Insurance Company’s (“Texas Mutual”) Motion to Dismiss, (Dkt. 56). (R. & R., Dkt. 73). Plaintiff timely filed objections to the report and recommendation. (Objs., Dkt. 74). Texas Mutual filed a response to Plaintiff’s objections. (Dkt. 75).

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiff timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiff’s objections and adopts the report and recommendation as its own order.

In her objections, Plaintiff requests, in the alternative, for leave to amend her complaint. (Objs., Dkt. 74, at 4–5). But, Plaintiff did not attach a proposed amended complaint as is required by the local rules. *See* W.D. Tex. Loc. R. CV-7(b) (“When a motion for leave to file a pleading, motion,

or other submission is required, an executed copy of the proposed pleading, motion, or other submission shall be filed as an exhibit to the motion for leave.”). Therefore, the Court does not rule on Plaintiff’s request for leave at this time, but it will allow Plaintiff to file a separate, proper motion for leave to amend her complaint with a proposed amended complaint attached.

Accordingly, **IT IS ORDERED** that the report and recommendation of United States Magistrate Judge Dustin Howell, (Dkt. 73), is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants’ Motions to Dismiss, (Dkt. 52; Dkt. 56), are **GRANTED**. Plaintiff’s claims against Donna R. Crosby and Texas Mutual are **DISMISSED** without prejudice.

IT IS FINALLY ORDERED that Plaintiff may file a motion for leave to file an amended complaint **on or before February 3, 2025**.

SIGNED on January 6, 2025.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE