

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

ELTTES, LLC,

Plaintiff,

V.

NTNS ACCOUNTING AND TAX
SERVICES, INC., et al.,

Defendants.

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1:22-cv-1048-DII

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Susan Hightower concerning Defendants John Hancock Life Insurance Company (USA) and John Hancock Assignment Company’s Motion to Dismiss Plaintiff’s Petition for Declaratory Judgment and Brief in Support (Dkt. 2) and Plaintiff Elttes, LLC’s Motion to Remand (Dkt. 6). (R. & R., Dkt. 19). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Hightower issued the report and recommendation on May 4, 2023. As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge’s proposed 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. When no objections are timely filed, a district court reviews the magistrate’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee’s note (“When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 19), is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants John Hancock Life Insurance Company (USA) and John Hancock Assignment Company's Motion to Dismiss Plaintiff's Petition for Declaratory Judgment and Brief in Support (Dkt. 2) is **GRANTED IN PART AND DENIED IN PART AS FOLLOWS**: Plaintiff's claim for attorney's fees is **DISMISSED** and the motion is in all other respects **DENIED**.

IT IS FINALLY ORDERED that Plaintiff Elttes, LLC's Motion to Remand (Dkt. 6) is **DENIED**.

SIGNED on May 19, 2023.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE