

**ENTERED**

March 30, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

RICHARD ALLEN	§	
DEVILLIER, ET AL.,	§	
	§	3:20-CV-00223
VS.	§	
	§	
STATE OF TEXAS.	§	

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


On September 2, 2020, all non-dispositive pretrial matters in this case were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(A). Dkt. 14. On February 22, 2021, Judge Edison filed a memorandum and recommendation (Dkt. 26) recommending that Defendant's Motion to Dismiss Plaintiffs' Original Complaint (Dkt. 6) be denied.

On March 8, 2021, the defendant filed its objections to the memorandum and recommendation. *See* Dkt. 28. 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." 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. 26) is approved and adopted in its entirety as the holding of the court; and
- (2) Defendant's Motion to Dismiss Plaintiffs' Original Complaint (Dkt. 6) is denied.

Signed on Galveston Island this 30th day of March 2021.

  
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JEFFREY VINCENT BROWN  
UNITED STATES DISTRICT JUDGE