

David J. Bradley, Clerk

CIVIL ACTION NO. 3:16-CV-00309

On August 30, 2018, Defendants filed their Objections (Dkts. 70, 71). In accordance with 28 U.S.C. § 636(b)(1), 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 reviewed the Objections; the Memorandum and Recommendation; the pleadings; and the briefing and arguments of the parties.

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 is **APPROVED AND ADOPTED** in its entirety as the holding of the Court;
- (2) Defendant City of Hitchcock’s Opposed Motion to Dismiss (Dkt. 54) is **DENIED**; and;
- (3) Defendants’ Opposed Motion to Dismiss Plaintiffs’ Claims (Dkt. 16) is **DENIED**.

The Court also **ORDERS** that this case is **SEVERED** into two separate lawsuits. The first lawsuit, which will carry this case number, will consist of George West’s claims against Defendant City of Hitchcock, Texas. The second lawsuit will carry a case number assigned by the District Clerk, and will consist of Brady Fuller’s claims against Defendant City of Santa Fe, Texas.

It is so **ORDERED**.

SIGNED and ENTERED this 19th day of September, 2018.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE