

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MICHAEL SAMMONS,

Plaintiff,

V.

UNITED STATES OF AMERICA,

Defendant.

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CIVIL ACTION NO. SA-16-CA-1054-FB

JUDGMENT

The Court considered the Judgment to be entered in this case. Pursuant to the Order Accepting the Report and Recommendation of the United States Magistrate Judge signed this date,

IT IS ORDERED, ADJUDGED and DECREED that the Report and Recommendation of the United States Magistrate Judge (docket no. 30) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Plaintiff's Motion for Declaratory Judgment (docket no. 3) is DENIED and the United States of America's Motion to Dismiss and Opposition to Plaintiff's Motion for Declaratory Judgment on Jurisdiction (docket no. 15) is GRANTED IN PART as to the 12(b)(1) dismissal and DISMISSED AS MOOT as to the 12(b)(6) dismissal. Plaintiff's claims against defendant the United States of America are DISMISSED WITHOUT PREJUDICE to refiling in the proper court.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that motions pending with the Court, if any, are Dismissed as Moot and this case is CLOSED.

It is so ORDERED.

SIGNED this 9th day of March, 2017.


FRED BIERY
UNITED STATES DISTRICT JUDGE