

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

CHRISTOPHER W. LEVY,

Plaintiff,

v.

THOMAS GERARD KILGORE
aka TOM KILGORE,

Defendant.

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1:23-CV-559-DII

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Susan Hightower concerning Defendant Thomas Gerard Kilgore a/k/a Tom Kilgore’s (“Defendant”) Motion for Summary Judgment, (Dkt. 28), and Plaintiff Christopher W. Levy’s (“Plaintiff”) Motion for Summary Judgment, (Dkt. 29).

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.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Susan Hightower, (Dkt. 44), is **ADOPTED**.

IT IS FURTHER ORDERED that both Defendant's Motion for Summary Judgment, (Dkt. 28), and Plaintiff's Motion for Summary Judgment, (Dkt. 29), are **DENIED**.

SIGNED on January 6, 2025.

A handwritten signature in blue ink, appearing to read "R. Pitman", with a horizontal line extending to the right.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE