

FILED

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

21 DEC 15 PM 2:52

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY:  DEPUTY CLERK

COURTHOUSE NEWS SERVICE,  
PLAINTIFF,

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V.

CAUSE NO. A-20-CV-001260-LY

VELVA PRICE, IN HER OFFICIAL  
CAPACITY AS TRAVIS COUNTY  
DISTRICT CLERK,  
DEFENDANT.

**ORDER ON REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE AND  
ORDER TO FILE JOINT PROPOSED SCHEDULING ORDER**

Before the court is the above styled and numbered action. The court referred, *inter alia*, Defendant Velva L. Price, in her official capacity as Travis County District Clerk's ("Price") Motion to Dismiss Plaintiff's Original Complaint Pursuant to FRCP 12(b)(1) and 12(b)(6) filed March 1, 2021 (Doc. #4) and all related matters to the United States Magistrate Judge for disposition or report and recommendation as appropriate. The magistrate judge signed a report and recommendation suggesting that the court deny Price's motion to dismiss on November 29, 2021 (Doc. #13). All parties received the report and recommendation on November 29, 2021.

A party may serve and file specific written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing a *de novo* review by the district court. See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). Objections, if any, were due to be filed on or before December 13, 2021. To date no objections have been filed.

A party's failure to timely file written objections to the proposed findings, conclusions, and

recommendations in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc). The court, having reviewed the entire record, and the applicable law, and finding no plain error, will for substantially the reasons stated therein, accepts and adopts the Report and Recommendation of the United States Magistrate Judge signed November 29, 2021.

**IT IS ORDERED** that for substantially the reasons stated therein, the Report and Recommendation of the United States Magistrate Judge signed November 29, 2021 (Doc. #13) is hereby **ACCEPTED AND ADOPTED**.

**IT IS FURTHER ORDERED** that Price's Motion to Dismiss Plaintiff's Original Complaint Pursuant to FRCP 12(b)(1) and 12(b)(6) filed March 1, 2021 (Doc. #4) is **DENIED**.

Issue was joined in this action on March 1, 2021, when Price filed the motion to dismiss the complaint. "Not later than 60 days after any appearance of any defendant, the parties shall submit a proposed scheduling order to the court." *See* W.D. Tex. CV-16(c). Therefore,

**IT IS ORDERED** that the parties consult the website for the United States District Court for the Western District of Texas ([www.txwd.uscourts.gov](http://www.txwd.uscourts.gov)), the "Forms" tab, "Austin Division," and submit a joint proposed scheduling order utilizing this court's form, **on or before 5:00 p.m., Austin time, Monday, January 14, 2021**.

SIGNED this 15<sup>th</sup> day of December, 2021.

  
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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE