

**ENTERED**

March 04, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IRIS HERNANDEZ,**

**Plaintiff,**

**VS.**

**MARTIN O'MALLEY,**

**Defendant.**

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**Civil Case No. 4:22-CV-03633**

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the February 16, 2024 Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Peter Bray. (Dkt. No. 18). Judge Bray made findings and conclusions and recommended that Plaintiff’s Motion for Summary Judgment, (Dkt. No. 13), be denied; that Defendant’s Motion for Summary Judgment, (Dkt. No. 16), be granted; and that Defendant’s final decision be affirmed. (Dkt. No. 18).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

Accordingly, the Court accepts the M&R and adopts it as the opinion of the Court.

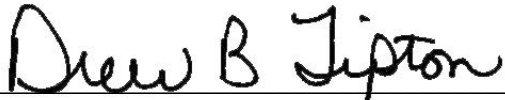
It is therefore ordered that:

- (1) Judge Bray’s M&R (Dkt. No. 18) is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court;

- (2) Plaintiff's Motion for Summary Judgment, (Dkt. No. 13), is **DENIED**;
- (3) Defendant's Motion for Summary Judgment (Dkt. No. 16), is **GRANTED**;  
and
- (4) Defendant's final decision is **AFFIRMED**.

It is SO ORDERED.

Signed on March 4, 2024.

  
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DREW B. TIPTON  
UNITED STATES DISTRICT JUDGE