UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

JOANNA BURKE and JOHN BURKE,	§	
71.4.400	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 4:18-cv-4543
	§	
HOPKINS LAW, PLLC, MARK	§	
DANIEL HOPKINS and SHELLEY	§	
LUAN HOPKINS,	§	
	§	
Defendants.	§	

<u>DEFENDANTS' RESPONSE TO PLAINTIFFS' OBJECTION TO MAGISTRATE</u> JUDGE'S MEMORANDUM AND RECOMMENDATION GRANTING DISMISSAL

Defendants Hopkins Law, PLLC, Mark Daniel Hopkins, and Shelley Luan Hopkins (collectively "Attorney Defendants") file this their Response to Plaintiffs' Objections to Memorandum and Recommendation Granting Dismissal [Doc. 66] ("Plaintiffs' Objection") and in support of the foregoing, Attorney Defendants would respectfully show the Court as follows:

I.

- 1. Plaintiffs' Objection to the Magistrate's Report is merely a restatement of Plaintiffs' Response to Defendants' Motion to Dismiss [Doc. 59]. Plaintiffs objection does not cite to specific reasoning contained in the Magistrate's Report that is in error and objectionable.
- 2. Since Plaintiffs' Objection merely restates arguments previously presented and considered by the Magistrate Judge, it is a general objection and need not be considered by the Court. *See Nettles v. Wainwright*, 677 F.2d 404, 410 n. 8 (5th Cir. 1982) (en banc) ("Frivolous, conclusive, or general objections need not be considered by the district court."), *overruled on other grounds by Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc). Fed. R.

Civ. P. 72(b) requires that Plaintiffs file written specific objections. A mere restatement of their prior arguments does not constitute sufficient specific objection.

3. As Plaintiffs merely restated their response to the Amended Motion to Dismiss, with the same arguments, and brought forth no new issues to the Magistrate's Report, Attorney Defendants Amended Motion to Dismiss [Doc. 28], their Reply to Plaintiffs' Response to Motion to Dismiss [Doc. 60] are fully responsive to Plaintiffs' Objections. Therefore, Attorney Defendants request the Court enter judgment as recommended by the Magistrate.

II. PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendants Hopkins Law, PLLC, Mark Daniel Hopkins, and Shelley Luan Hopkins respectfully request that the Court enter a ruling granting Defendants' Motion to Dismiss, and adopt the Interim Memorandum and Recommendation of the United States Magistrate Judge in its entirety and further grant Defendants any and all further relief, whether at law or in equity, to which they may be justly entitled.

Respectfully Submitted,

HOPKINS LAW, PLLC

By: /s/ Mark D. Hopkins
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of March 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF filing system, and will send a true and correct copy to the following:

VIA CM/RRR #7019 0700 0000 9690 7467 AND VIA E-MAIL:

John Burke 46 Kingwood Greens Drive Kingwood, Texas 77339 **PRO SE PLAINTIFF**

VIA CM/RRR #7019 0700 0000 9690 7474 AND VIA E-MAIL: Joanna Burke 46 Kingwood Greens Drive

Kingwood, Texas 77339 **PRO SE PLAINTIFF**

/s/ Mark D. Hopkins
Mark D. Hopkins