

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHESTER L. SLAY, JR., et al.,

Defendants.

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CIVIL ACTION NO. 1:11-CV-263

**ORDER ADOPTING REPORT AND RECOMMENDATION
ON MOTION FOR SUMMARY JUDGMENT**

The Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration of and recommended disposition on case-dispositive pretrial motions. On February 27, 2013, Judge Giblin issued his report and recommendation in which he recommended that the Court grant the motion for summary judgment filed by the consolidated defendants/counter-claimants David Durrett, Lewie Byers, Golden Triangle Maritime, LLC, NBR Maritime I, LLC, NBR Maritime II, LLC, and New Birmingham Resources, Inc. (collectively, "NBR").

The Court has received and considered the report of the United States Magistrate Judge, along with the record and pleadings. No party has filed objections to the magistrate judge's report. After review, the Court finds that Judge Giblin's findings and recommendations should be accepted. The Court **ORDERS** that the Report and Recommendation on Motion for Summary Judgment [Doc. #152] is **ADOPTED**. The Court further **ORDERS** that NBR's Motion for Summary Judgment [Doc. #126] is **GRANTED**, and the claims asserted by Chester L. Slay, Jr., Louis Family Trust, Texas Family Trust, Odessa Family Trust, Kaiser Family Trust, McGee Family Trust,

Peckham Family Trust, Smith Family Trust and the Birch Family Trust against NBR are **DISMISSED** in their entirety, with prejudice. No other causes of action remain. The Court will enter final judgment separately.

So **ORDERED** and **SIGNED** this **28** day of **March, 2013**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge