

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

KRISTY KAY MONEY and ROLF JACOB  
SRAUBHAAR,

Plaintiffs,

V.

1:23-CV-718-RP

CITY OF SAN MARCOS and AMANDA  
HERNANDEZ, *in her official capacity as Director of  
Planning and Development Services,*

Defendants.

## ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Susan Hightower concerning Plaintiff Kristy Kay Money and Rolf Jacob Sraubhaar’s (“Plaintiffs”) Motion for Summary Judgment, (Dkt. 4), and Defendant City of San Marcos and Amanda Hernandez’s Motion to Dismiss, (Dkt. 12). (R. & R., Dkt. 19). Plaintiffs timely filed objections to the report and recommendation. (Objs., Dkt. 20).

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 Plaintiffs 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 Plaintiffs' 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. 19), is **ADOPTED**.

**IT IS FURTHER ORDERED** that Defendants' Motion to Dismiss, (Dkt. 12), is **GRANTED**. Plaintiffs' Motion for Summary Judgment, (Dkt. 4), is **DISMISSED AS MOOT**.

**IT IS FINALLY ORDERED** that Plaintiffs' claims are **DISMISSED WITHOUT PREJUDICE**.

The Court will enter final judgment by separate order.

**SIGNED** on March 13, 2024.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE