

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

TERESA SABBIE, INDIVIDUALLY §  
AS PERSONAL REPRESENTATIVE OF §  
THE ESTATE OF MICHAEL SABBIE, §  
AND AS PARENT AND NATURAL §  
GUARDIAN OF HER MINOR CHILDREN, §  
T.S., T.S., AND M.S.; SHANYKE §  
NORTON, AS PARENT AND NATURAL §  
GUARDIAN OF HER MINOR CHILD, §  
M.S.; KIMBERLY WILLIAMS; MARCUS §  
SABBIE; AND CHARLISA CRUMP §

V. §

CASE NO. 5:17cv113-RWS-CMC

§  
SOUTHWESTERN CORRECTIONAL, §  
LLC d/b/a LASALLE CORRECTIONS, §  
LLC and LASALLE SOUTHWEST §  
CORRECTIONS; LASALLE §  
MANAGEMENT COMPANY, LLC; §  
BOWIE COUNTY, TEXAS; THE CITY OF §  
TEXARKANA, ARKANSAS; TIFFANY §  
VENABLE, LVN, INDIVIDUALLY; M. §  
FLINT, LVN, INDIVIDUALLY; §  
GREGORY MONTOYA, M.D., §  
INDIVIDUALLY; CLINT BROWN, §  
INDIVIDUALLY; NATHANIEL §  
JOHNSON, INDIVIDUALLY; BRIAN §  
JONES, INDIVIDUALLY; ROBERT §  
DERRICK, INDIVIDUALLY; DANIEL §  
HOPKINS, INDIVIDUALLY; STUART §  
BOOZER, INDIVIDUALLY; ANDREW §  
LOMAX, INDIVIDUALLY; SHAWN §  
PALMER, INDIVIDUALLY; SIMONE §  
NASH, INDIVIDUALLY §

**REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The above-referenced cause of action was referred to the undersigned United States Magistrate Judge for pre-trial purposes in accordance with 28 U.S.C. § 636. The following motion

is before the Court:

**LaSalle Defendants' Motion to Dismiss for Failure to State a Claim (Docket Entry #13).**

The Court, having carefully reviewed the motion and the response, recommends LaSalle Defendants' motion be **DENIED**.

**BACKGROUND**

This case involves the death of Michael Todd Sabbie during his pretrial detention at the Bi-State Jail, which is located in Texarkana—on the border of Texas and Arkansas. A resident of Arkansas, Mr. Sabbie was arrested by Arkansas police and brought to the Bi-State Jail on July 19, 2015 where he remained until his death on July 22, 2015. The plaintiffs allege the defendants denied Mr. Sabbie needed medical attention, subjected him to excessive force, ignored his increasingly serious medical needs, and caused his death.

Teresa Sabbie, individually, as personal representative of the Estate of Michael Sabbie, and as parent and natural guardian of her minor children, T.S., T.S., and M.S.; Shanyke Norton, parent and natural guardian of her minor child, M.S.; Kimberly Williams; Marcus Sabbie; and Charlisa Crump (collectively “Plaintiffs”) bring claims under 42 U.S.C. § 1983 and under Arkansas state law against Southwestern Correctional, LLC d/b/a LaSalle Corrections, LLC and LaSalle Southwest Corrections; LaSalle Management Company, LLC; Bowie County, Texas; Tiffany Venable, LVN, individually; Mia Flint, LVN, individually; Clint Brown, individually; Nathaniel Johnson, individually; Brian Jones, individually; Robert Derrick, individually; Daniel Hopkins, individually; Stuart Boozer, individually; Andrew Lomax, individually; Shawn Palmer, individually; Simone

Nash, individually (collectively “LaSalle Defendants”),<sup>1</sup> as well as the City of Texarkana, Arkansas.

Specifically, Plaintiffs allege as follows. On July 19, 2015, Mr. Sabbie was arrested by the Texarkana, Arkansas Police Department (“TAPD”) following a verbal domestic dispute with his wife. After his arrest, the TAPD transported Mr. Sabbie to the Bi-State Jail where he was booked and confined. Docket Entry # 1, ¶ 30. Arkansas maintained “jurisdictional situs” over Mr. Sabbie at all times during his pretrial detention in the Bi-State Jail even though a portion of the alleged misconduct occurred on the Texas side of the border. *Id.* at ¶ 31.

At the time of his booking, on the evening of July 19th, Mr. Sabbie informed jail intake staff that he suffered from heart disease, asthma, hypertension, diabetes, and other medical conditions. According to Plaintiffs, the corporate jail medical providers, including the named defendant nurses, were aware that Mr. Sabbie took multiple prescription medications to treat his various medical conditions; however, they did not provide him any medication during his pretrial detention. Plaintiffs allege the defendants caused or contributed to the serious medical distress Mr. Sabbie would later experience by depriving him of necessary prescription medication. *Id.* at ¶ 32.

During his intake screening, Mr. Sabbie’s blood pressure was 166/99, which is high. Because of this and because Mr. Sabbie suffered from hypertension and diabetes, the intake nurse appropriately ordered Mr. Sabbie to be placed on daily blood pressure checks and daily blood sugar checks. Despite this order and despite Mr. Sabbie’s ensuing medical complications, the corporate medical providers and defendant nurses did not check either his blood pressure or his blood sugar

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<sup>1</sup> The Original Complaint also named Defendant Gregory Montoya, M.D. as an agent, employee, or subcontractor of Defendant LaSalle. On October 2, 2017, District Judge Schroeder granted the parties’ Joint Motion for Dismissal With Prejudice, dismissing Plaintiffs’ claims against Dr. Montoya with prejudice. Docket Entry # 28.

at any point during his pretrial detention. *Id.* at ¶ 33.

As alleged by Plaintiffs, in the early morning of July 20, 2015 at approximately 3:30 a.m., Mr. Sabbie was seen by Defendant Nurse Flint due to respiratory distress. *Id.* at ¶ 34. He reported shortness of breath and that he was “unable to breathe while lying down.” *Id.* Defendant Flint documented that he had a low blood oxygen level. *Id.* According to Plaintiffs, despite knowing that Mr. Sabbie’s blood pressure was high at intake, that he suffered from hypertension and heart trouble, that he had not been given any blood pressure medication, that he was complaining of respiratory distress, and that he was an insulin-dependent diabetic, Defendant Flint did not take Mr. Sabbie’s blood pressure or check his blood sugar. *Id.* at ¶ 35. Nor did she order or administer any medication. Instead, she sent him back to his jail cell without further medical evaluation or assistance. *Id.*

The following morning, on July 21 at approximately 10:15 a.m., another inmate alerted the jail’s control room because Mr. Sabbie had collapsed and was on the floor of his cell. *Id.* at ¶ 36. Several corrections officers responded, including Defendants Johnson, Brown, Palmer, and Boozer. These defendants put Mr. Sabbie in a wheelchair and brought him to the nurse’s station, where he was seen by Defendant Nurse Venable. *Id.*

Plaintiffs allege Mr. Sabbie reported to Defendant Venable that he was suffering from shortness of breath. He was coughing and clearly experiencing acute respiratory distress. Mr. Sabbie further reported that he believed he had pneumonia. *Id.* at ¶ 37. According to Plaintiffs, notwithstanding Mr. Sabbie’s symptoms of acute respiratory distress, Defendant Venable she sent him back to his jail cell without further medical assistance—in violation of basic standards of medical care and in deliberate indifference to his serious medical needs. *Id.* at ¶ 38.

“Frustrated at the lack of medical assistance, Mr. Sabbie reportedly stood up from his

wheelchair and began walking back to his pod or cell. While walking back to his pod or cell, Mr. Sabbie collapsed to the floor—further demonstrating the seriousness of his medical condition.” *Id.* at ¶ 39. Rather than bringing him back to the medical staff or arranging hospital transport, Plaintiffs allege Defendants Johnson, Brown, Palmer, and Boozer took Mr. Sabbie back to his pod. *Id.*

That afternoon, Mr. Sabbie, an Arkansas pretrial detainee, had a court appearance at the Arkansas City District Court, which is in the same building as the Bi-State Jail. *Id.* at ¶ 40. Plaintiffs allege an Arkansas District Court Bailiff noticed that Mr. Sabbie was “coughing and sweating heavily around his head and face area,” further evidencing the serious medical symptoms from which he was suffering. *Id.* During his court appearance, in which he plead not guilty, an Arkansas Court Docket Coordinator reportedly noticed that Mr. Sabbie sounded “short of breath.” *Id.* at ¶ 41. According to Plaintiffs, the Arkansas City District Court judge also noticed Mr. Sabbie was in medical distress, told him he sounded as if he had asthma or bronchitis, and asked him if he wanted to sit down, which Mr. Sabbie did. According to jail investigative records, Mr. Sabbie then told the district judge, in open court, that he needed to go “to the hospital” and that he had been “spitting up blood.” *Id.*

Following the court appearance, Mr. Sabbie and the other ten detainees were led back to their pod by Defendant Brown. A jail surveillance camera recorded what happened next. *Id.* at ¶ 42. At some point after a verbal exchange between Defendant Brown and Mr. Sabbie, in which Mr. Sabbie apparently indicated a desire to make a phone call, Mr. Sabbie attempted to open the door leading to the booking area (where the phone was located). *Id.* at ¶ 44. “Despite Mr. Sabbie’s respiratory distress and his lack of assaultive or threatening behavior, Defendant Brown roughly grabbed him and threw him violently to the ground. Mr. Sabbie did not do anything to justify this uncontrolled

and unprofessional use of force.” *Id.*

“Once he was on the ground, multiple additional corrections officers immediately piled on top of Mr. Sabbie, even though he was in a prone position on the ground and struggling to breathe.” *Id.* at ¶ 45. The video then shows another officer with a handheld video camera, who began filming. From this point forward, Plaintiffs have additional video footage from that handheld camera, which has sound. *Id.*

According to Plaintiffs, Mr. Sabbie can be heard in the handheld video camera footage repeatedly pleading, “I can’t breathe, I can’t breathe,” underneath the pile of officers, while also making gasping sounds consistent with respiratory distress. *Id.* at ¶ 45. “While Mr. Sabbie was lying in a prone position, fully controlled with multiple officers on top of him—struggling to breathe and repeatedly communicating his respiratory distress—a Bi-State Jail lieutenant [Johnson] sprayed Mr. Sabbie directly in the face with his can of OC (pepper) spray.” *Id.* at ¶ 47.

After Defendant Johnson pepper sprayed Mr. Sabbie, the other corrections officers handcuffed him and pulled him up to a standing position. *Id.* at ¶ 49. Defendants Brown, Boozer, and Lomax then led him to the nurse’s station. As alleged by Plaintiffs, on the way, Mr. Sabbie repeatedly said, “I can’t breathe” and continued to make sounds of labored breathing consistent with acute respiratory distress. *Id.* According to Plaintiffs, Defendant Nurse Venable “examined” Mr. Sabbie for less than one minute. *Id.* at ¶¶ 49, 52.

Venable sent Mr. Sabbie back to his jail cell. *Id.* at ¶ 53. Several corrections officers (including Defendants Brown, Boozer, Lomax, Derrick, and Johnson) then lead Mr. Sabbie into a shower—purportedly to decontaminate the pepper spray from his face and body. Plaintiffs allege that on the way to the shower, Mr. Sabbie continued to tell the officer defendants that he could not

breathe, and his labored breathing/gasping, as well as his abnormally high rate of respiration, is audible on the incorporated video footage.

As alleged by Plaintiffs, once in the shower, Mr. Sabbie had difficulty standing, and the officers, including Defendants Brown, Boozer, Lomax, and Johnson ordered him to “stay up.” As the hot water sprayed his face, Mr. Sabbie repeatedly complained that he could not breathe. *Id.* at ¶ 54. At some point, while in the shower, Mr. Sabbie collapsed. *Id.* According to Plaintiffs, on the video, Mr. Sabbie appears to pass out and/or lose consciousness while on his feet, and his body slams to the ground. *Id.* at ¶ 55. No one radioed for emergency medical assistance. Instead, the guards lifted Mr. Sabbie (who had regained consciousness) up from the ground and dragged him to a jail cell. *Id.*

When the defendant officers opened his cell door, Mr. Sabbie’s knees buckled, and he fell to the ground at the cell entrance. *Id.* at ¶ 59. Plaintiffs allege the defendants “left the cell and closed the door, leaving Mr. Sabbie to suffer as he lay on the concrete floor—still wearing soaking wet, pepper-spray-contaminated clothing, with his pants still pulled down below his waist.” *Id.* at ¶ 60.

“The next morning, shortly after 6:00 a.m., more than 12 hours after he was put in his cell, Bi-State Jail officers entered Mr. Sabbie’s cell because he had ‘refused’ orders to pull his pants up. Mr. Sabbie was dead.” *Id.* at ¶ 64. “It is not yet known how long Mr. Sabbie lay dead while jail staff ignored him. However, had defendants summoned appropriate medical care at any point before his death, Mr. Sabbie could have been saved and would still be alive today.” *Id.*

Plaintiffs assert a cause of action against Southwestern Correctional, LLC d/b/a LaSalle Corrections, LLC and LaSalle Southwest Corrections (“LaSalle”) as well as LaSalle Management

Company, LLC (“LaSalle Management”) (together, “Corporate Defendants”) for Arkansas wrongful death and survival as follows:

Based on the allegations set forth in the complaint, the Corporate Defendants (LaSalle and LaSalle Management) are liable under the Arkansas Wrongful Death and Survival laws, Ark. Code Ann. §§ 16-62-101 & 102, fortortuously causing the death and pre-death pain and suffering of Michael Sabbie by violating the applicable correctional and medical standards of care and by violating Article 2 § 8 and Article 2 § 15 of the Arkansas Constitution—giving rise to a claim under the Arkansas Civil Rights Act, Arkansas Code § 16-123-105.

Docket Entry # 1, ¶ 82.

Plaintiffs assert a cause of action against Bowie County, Texas and the City of Texarkana, Arkansas (“Municipal Defendants”) for Arkansas wrongful death and survival as follows:

Based on the allegations set forth in the complaint, the Municipal Defendants (Bowie County and Texarkana) are liable under the Arkansas Wrongful Death and Survival laws, Ark. Code Ann. §§ 16-62-101 & 102, for tortuously causing the death and pre-death pain and suffering of Michael Sabbie by violating the applicable correctional and medical standards of care and by violating Article 2 § 8 and Article 2 § 15 of the Arkansas Constitution—giving rise to a claim under the Arkansas Civil Rights Act, Arkansas Code § 16-123-105.

*Id.*, ¶ 84.

Plaintiffs assert a cause of action against the Individual Defendants for Arkansas wrongful death and survival as follows:

Based on the allegations set forth in the complaint, the individual defendants are liable under the Arkansas Wrongful Death and Survival laws, Ark. Code Ann. §§ 16-62-101 & 102, for tortuously causing the death and pre-death pain and suffering of Michael Sabbie by violating the applicable correctional and medical standards of care and by violating Article 2 § 8 and Article 2 § 15 of the Arkansas Constitution—giving rise to a claim under the Arkansas Civil Rights Act, Ark. Code Ann. § 16-123-105.

*Id.*, ¶ 86.



**LASALLE DEFENDANTS' MOTION TO DISMISS**

LaSalle Defendants filed this motion to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6), requesting the Court dismiss Plaintiffs' claims for Arkansas wrongful death and survival for failure to plead an applicable duty. According to LaSalle Defendants, Plaintiffs fail "to allege that, or how, any Defendants owed any duty relating to (medical negligence giving rise) to wrongful death and survival to Sabbie." Docket Entry # 13 at pg. 3. LaSalle Defendants assert any such allegation of duty was merely implied.

**APPLICABLE LAW**

Rule 12(b)(6) of the Federal Rules of Civil Procedure authorizes the dismissal of a case for failure to state a claim upon which relief can be granted. The Court must accept as true all well-pleaded facts contained in the plaintiff's complaint and view them in the light most favorable to the plaintiff. *Baker v. Putnal*, 75 F.3d 190, 196 (5th Cir. 1996). In deciding a Rule 12(b)(6) motion, "[f]actual allegations must be enough to raise a right to relief above the speculative level." *Gonzalez v. Kay*, 577 F.3d 600, 603 (5th Cir. 2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). To "survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Gonzalez*, 577 F.3d at 603 (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* "It follows, that 'where the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged—but it has not 'shown'—'that the pleader is entitled to relief.' " *Id.*

In *Iqbal*, the Supreme Court established a two-step approach for assessing the sufficiency of

a complaint in the context of a Rule 12(b)(6) motion. First, the Court should identify and disregard conclusory allegations for they are “not entitled to the assumption of truth.” *Iqbal*, 556 U.S. at 664. Second, the Court “consider[s] the factual allegations in [the complaint] to determine if they plausibly suggest an entitlement to relief.” *Id.* “This standard ‘simply calls for enough facts to raise a reasonable expectation that discovery will reveal evidence of’ the necessary claims or elements.” *Morgan v. Hubert*, 335 Fed.Appx. 466, 470 (5th Cir. 2009). This evaluation will “be a context-specific task that requires the reviewing court to draw on its judicial experience and common sense.” *Iqbal*, 556 U.S. at 679.

### DISCUSSION

According to LaSalle Defendants, a legal duty must exist before a defendant can be liable for negligence. *Reeder v. Daniel*, 61 S.W.3d 359, 364 (Tex. 2001) (under Texas law); *Maneth v. Tucker*, 72 Ark. App. 141, 34 S.W.3d 755 (2000) (under Arkansas law). Although Plaintiffs allege Bowie County, Texas (with the approval of Texarkana, Arkansas) contracted with the private, for-profit correctional corporation, known as Southwestern Correctional, LLC, to operate and manage all aspects of the Bi-State Jail, LaSalle Defendants assert Plaintiffs do not allege Michael Sabbie was a party to that contract. Thus, according to LaSalle Defendants, Plaintiffs have not alleged LaSalle Defendants owed any duty to provide general health care, with regard to the (medical) negligence or wrongful death claims, directly to Sabbie.

Plaintiffs have alleged wrongful death claims against LaSalle Defendants based on both the Arkansas Civil Rights Act and common law negligence. According to Plaintiffs, “LaSalle Defendants’ motion to dismiss does not address the elements of a claim under the Arkansas Civil Rights Act, which, like its federal counterpart, 42 U.S.C. § 1983, provides citizens with a right of

action when state actors violate their constitutional rights.” Docket Entry # 18 at pgs. 13-14. The state standard for a plaintiff to prevail on a constitutional claim for failure to secure adequate medical care claim is the same as the federal standard; both require the plaintiff to show that corrections officers and/or jail medical providers acted with “deliberate indifference” to the “serious medical needs” of the inmate. *See Grayson v. Ross*, 369 Ark. 241, 249 (2007) (“Though this court is not called upon to answer the question of what standard applies for pretrial detainees under the Arkansas Civil Rights Act as part of the certified question, we adopt deliberate indifference as the proper standard.”). Thus, according to Plaintiffs, the element of “duty” is “not an element of the claim because it is axiomatic that such a duty is owed.” Docket Entry # 18 at pg. 14.

Plaintiffs have sufficiently plead claims under the Arkansas Civil Rights Act (and LaSalle Defendants do not even contend otherwise). Thus, such claims should not be dismissed. Regarding Plaintiffs’ state law negligence claims, LaSalle Defendants are correct that the existence of a duty is an element of such claims. *See, e.g., Young v. Paxton*, 316 Ark. 655, 660 (1994). However, as explained in more detail below, the Court finds the Original Complaint repeatedly alleges facts that support the existence of a duty and additionally spells out directly that each of the LaSalle Defendants owed a “duty” to Michael Sabbie.

In their Original Complaint, Plaintiffs allege Defendant LaSalle, which is owned, controlled, or managed by LaSalle Management, “manages the day-to-day operations of the Bi-State Jail” and “is a final policy-maker for Bowie County for purposes of providing jail-related services and meeting the needs of its convicted inmates and pretrial detainees.” Docket Entry # 1, ¶ 14. According to Plaintiffs, as the entity in charge of managing jail operations and as a policy-maker that is responsible for meeting the needs of inmates and detainees, LaSalle had a duty to Michael Sabbie.

The complaint also alleges that LaSalle Management, “the parent company of Defendant LaSalle,” “is responsible for ensuring that its subsidiary meets its constitutional obligations in running the jail.” *Id.* at ¶ 15. The obligation of the Corporate Defendants includes “the provision of medical care to the jail’s population of pretrial detainees and post-conviction prisoners.” *Id.* at ¶ 13.

There are eleven named individual LaSalle Defendants—two medical provider defendants and nine detention staff defendants. The individual medical provider defendants include Defendants Tiffany Venable and Mia Flint both of whom are licensed vocational nurses. The individual detention defendants include Clint Brown, Nathaniel Johnson, Brian Jones, Robert Derrick, Daniel Hopkins, Stuart Boozer, Andrew Lomax, Shawn Palmer, and Simone Nash.

With respect to the two individual medical provider defendants, the complaint alleges they each were “responsible for providing medical care to Michael Sabbie during his pretrial detention at the Bi-State Jail.” Docket Entry # 1 at ¶¶ 16-17. With respect the nine individual detention defendants, the complaint alleges they each were “responsible for providing jail-related services to Michael Sabbie during his pretrial detention at the Bi-State Jail.” *Id.* ¶¶ at 19-27. After identifying the basic obligations and responsibilities (*i.e.*, duties) of the LaSalle Defendants, the Complaint sets forth nearly twenty pages of detailed and specific factual allegations (many outlined in the Background section above), explaining what each of them did (or failed to do) in the face of information known to them. *See* Docket Entry # 1 at ¶¶ 32-78.

The Original Complaint describes how the individual medical provider defendants, identifying them by name, “acted in violation of the applicable standards of medical care and with deliberate indifference to Mr. Sabbie’s serious medical needs.” *Id.* at ¶ 66. It also describes how the individual correctional defendants, identifying them by name, “acted in violation of the applicable

standards of correctional care and with deliberate indifference to Mr. Sabbie's serious medical needs." *Id.* The complaint further provides the following express allegation regarding LaSalle Defendants' duty to Mr. Sabbie: "The individual defendants *had a duty to treat Mr. Sabbie in accordance with the applicable standards of medical and correctional care.*" *Id.* at ¶ 67 (emphasis added). The complaint further alleges that such defendants "breached those duties" and that their actions and inactions caused Mr. Sabbie's "unnecessary pain and suffering and death." *Id.* The complaint also alleges the "supervisory defendants," identifying them by name, "*had a duty to oversee their subordinates and ensure compliance with correctional standards of care*" and that they "breached those duties." *Id.* at ¶ 68 (emphasis added).

With respect to Corporate Defendants, LaSalle and LaSalle Management, the complaint expressly alleges as follows:

The Corporate Defendants *had a duty* to treat Mr. Sabbie in accordance with the applicable standards of medical and correctional care. The Corporate Defendants *breached those duties*, and Mr. Sabbie's damages, including his pain and suffering and his death, were the direct and foreseeable result of the tortious actions and inactions of the Corporate Defendants alleged herein.

*Id.* at ¶ 78 (emphases added).

Accepting all well-pleaded facts as true and viewing them in the light most favorable to Plaintiffs, the Court finds Plaintiffs have stated a plausible claim against LaSalle Defendants. Accordingly, it is

**RECOMMENDED** that LaSalle Defendants' Motion to Dismiss for Failure to State a Claim (Docket Entry #13) be **DENIED**.

Within fourteen (14) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the magistrate judge. 28

U.S.C.A. 636(b)(1)(C).

Failure to file written objections to the proposed findings and recommendations contained in this report within fourteen days after service shall bar an aggrieved party from *de novo* review by the district court of the proposed findings and recommendations and from appellate review of factual findings accepted or adopted by the district court except on grounds of plain error or manifest injustice. *Thomas v. Arn*, 474 U.S. 140, 148 (1985); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir.1988).

**SIGNED this 6th day of November, 2017.**

  
CAROLINE M. CRAVEN  
UNITED STATES MAGISTRATE JUDGE