

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

PAULA STEWART,

Plaintiff,

vs.

GULF COAST REGIONAL BLOOD CENTER,

Defendant.

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CIVIL ACTION H-04-3783

MEMORANDUM AND RECOMMENDATION

Defendant Gulf Coast Regional Blood Center has filed a motion to dismiss Paula Stewart's original complaint for failure to state a claim for which relief may be granted. *See* Dkt. 10. A hearing was held on this motion on May 12, 2005, and Stewart has since filed an amended complaint. *See* Dkt. 17. Gulf Coast's motion to dismiss Stewart's original complaint therefore is moot. Accordingly, the court recommends that Gulf Coast's motion be denied without prejudice to Gulf Coast challenging the current complaint on a motion to dismiss or for summary judgment at a future stage in this litigation.

Signed on June 22, 2005, at Houston, Texas.


Stephen Wm Smith
United States Magistrate Judge