

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 4, 2010

No. 10-40293
Summary Calendar

Lyle W. Cayce
Clerk

KELSEY HACKLER DRENNAN, Individually and on Behalf of All Other
Persons Similarly Situated,

Plaintiff-Appellant

v.

FIRST RESOLUTION INVESTMENT CORPORATION; HOSTO &
BUCHAN, PROFESSIONAL LIMITED LIABILITY CORPORATION;
MELVIN THATHIAH,

Defendants-Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 2:08-CV-461

Before WIENER, PRADO, and OWEN, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Kelsey Hackler Drennan appeals from the Order of the District court that adopted the Report and Recommendation of the magistrate judge and granted the motion of the Defendants-Appellees for a judgment on the pleadings pursuant to Rule 12(c), resulting in the dismissal of Drennan's suit

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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grounded in the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692. The gravamen of Drennan’s claim is that the conduct of First Resolution Investment Corporation, as assignee of Drennan’s credit card debt, and of the remaining Defendants-Appellees as attorneys-at-law representing First Resolution in filing a state court suit against Drennan styled as a suit on a sworn account, violated the FDCPA.

In a thoughtful, thorough, and exhaustive analysis of the pleadings that set forth Drennan’s claims, the magistrate judge concluded that, even when considering all of the well-pleaded facts in the complaint as being true, the filing of a suit on account to collect a credit card debt did not constitute either a false or misleading representation or one that was so harassing, oppressive, or unconscionable that it was actionable under the FDCPA, even if, arguendo, the use of a suit on account on a credit card debt did not meet the necessary requirements of Texas’s Rule 185 or any other such rules or regulations. The district court adopted the Report and Recommendation of the magistrate judge, and granted the motion of Defendants-Appellees to dismiss Drennan’s action on the pleading. The court concluded that the circumstances of this case do not constitute a violation of the FDCPA, even if the underlying action was not a proper suit on a sworn account.

We have carefully reviewed the record on appeal and the applicable law as presented in the briefs of the parties, and we have considered the Report and Recommendation of the magistrate judge and the order of the district court. As a result, we are satisfied that the district court correctly disposed of this matter. For essentially the reasons set forth in the Report and Recommendations of the magistrate judge, the order of the district court is, in all respects, **AFFIRMED.**