Rogers v. Merchants Bank Doc. 17

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

LISA ROGERS,	)	
Plaintiff,	)	
	)	
v.	)	**CIVIL ACTION: 15-00253-KD-C**
	)	
MERCHANTS BANK,	)	
Defendant.	)	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Report and Recommendation (Doc. 14) to which objection is made (and with consideration of the response thereto) (Docs. 15, 16), the Report and Recommendation (Doc. 14) of the Magistrate Judge made under 28 U.S.C. § 636(b)(l)(B) and dated July 23, 2015, is **ADOPTED** as **AMENDED** as the opinion of this Court to include the following **ADDITIONAL** findings:

> In Plaintiff's objection to the Report and Recommendation she attempts to add a new claim, as well as argue that she is requesting an accounting. As noted by the Defendant, an attempt to amend her complaint by way of an objection to the Report and Recommendation is procedurally deficient. The Report and Recommendation addresses the current complaint and correctly finds that it is due to be dismissed based on the statute of limitations.

With those additional findings, it is **ORDERED** that Defendant's motion to dismiss (Doc. 4) is **GRANTED** and this matter is **DISMISSED with prejudice**.

DONE and ORDERED this the **13th** day of **August, 2015.**

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE

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