

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

TRACY LYNNE BREECH)	
BROUSSARD)	
)	
Plaintiffs,)	
)	
vs.)	CIVIL ACTION NO. 16-0149-CG-M
)	
CITIMORTGAGE INC, and)	
PENNYMAC CORP.,)	
)	
Defendants.)	

ORDER

After due and proper consideration of the relevant pleadings and the issues raised, and there having been no objections filed, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

It is **ORDERED** that Defendant's Motion to Dismiss be granted as to PennyMac as to Count II (TILA violations and wire fraud) and denied as to Count I (wrongful foreclosure and fraud). Therefore, Count II of the Plaintiff's complaint is hereby **DISMISSED** as to Defendant, PennyMac Corp.

The Court sua sponte extends the time for Plaintiff to file an Amended Complaint to cure the deficiencies in the allegations for wrongful foreclosure and fraud pointed out by the Magistrate Judge . **The amended complaint is due no later than September 14, 2016.** Plaintiff is advised that failure to comply with the Court's Order could result in dismissal of the claims against Defendant PennyMac.

DONE and ORDERED this 30th day of August, 2016.

/s/ Callie V. S. Granade
SENIOR UNITED STATES DISTRICT JUDGE