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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Delemas C. Warren,  
Plaintiff,

vs.

RJM Acquisitions, LLC, a New York  
company; Jamie Rozansky, individually,  
and as an officer of RJM Acquisitions,  
LLC,  
Defendants.

No. CV 11-376-TUC-FRZ (LAB)

**ORDER**

Before the Court for consideration is Defendants' Motion to Dismiss and the Report and Recommendation of the Magistrate Judge recommending that the Court, after its independent review of the record, enter an order granting the Motion to Dismiss, thereby dismissing Counts 1, 4, 5 and 6 of the Amended Complaint, pursuant to Rule 12(b)(b) of the Federal Rules of Civil Procedure, as requested.

The Amended Complaint filed by Plaintiff Delemas C. Warren *pro se* on August 4, 2011, alleges seven counts against RJM Acquisitions, LLC and Jamie Rozansky, alleging that the debt collection attempts of Defendants violated (1)(a) the Arizona Collection Agency Statute, (b) the Statute of Frauds, and (c) the Uniform Commercial Code, as alleged in Count 1; the Fair Debt Collection Practices Act, alleged in Count 2; the Fair Credit Reporting Act, alleged in Count 3; Regulation Z of the Consumer Credit Protection Act, alleged in Count

1 4; the Graham-Leach-Bliley Act, alleged in Count 5; and the Federal Trade Commission Act,  
2 as alleged in Count 6. Plaintiff also alleges, in Count 7, a claim for intentional infliction of  
3 emotional distress and mental anguish.

4 This matter was referred to Magistrate Judge Glenda E. Edmonds, pursuant to the  
5 provisions of 28 U.S.C. § 636(b), Rule 72, Fed.R.Civ.P., and Local Rules 72.1 and 72.2 of  
6 the Rules of Practice of the United States District Court for the District of Arizona, for  
7 further proceedings and report and recommendation.

8 Magistrate Judge Edmonds issued her Report and Recommendation on March 26,  
9 2012, recommending the dismissal of Counts 1, 4, 5, and 6 on the bases there is no private  
10 right of action for a violation of the Arizona Collection Agency Statutes; no private right of  
11 action for a violation of the Graham-Leach-Bliley Act and the Federal Trade Commission  
12 Act; Regulation Z only applies to creditors, which the Defendants as debt collectors, are not;  
13 and that the Statute of Frauds and the Uniform Commercial Code do not support a cause of  
14 action. The Report and Recommendation sets forth an analysis of the issues under the  
15 appropriate legal standards applicable to the claims alleged in Counts 1, 4, 5 and 6.

16 Plaintiff filed his timely Objection to Magistrate's Orders/Report and  
17 Recommendation (Doc. 33), setting forth in detail his objections to the findings of the  
18 Magistrate Judge set forth in the Report and Recommendation.

19 The Court finds, after consideration of the matters presented and an independent  
20 review of the record herein, including Plaintiff's extensive objection, that the Report and  
21 Recommendation shall be adopted and Defendants' Motion to Dismiss shall be granted in  
22 accordance with the recommendations and findings set forth therein.

23 Based on the foregoing,

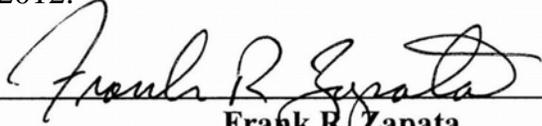
24 IT IS ORDERED that the Report and Recommendation (Doc. 32) of Magistrate Judge  
25 Edmonds is hereby ACCEPTED AND ADOPTED as the findings of fact and conclusions  
26 of law by this Court;

27 IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (Doc. 15) is  
28 GRANTED;

1 IT IS FURTHER ORDERED that Counts 1, 4, 5 and 6 of the Amended Complaint are  
2 dismissed;

3 IT IS FURTHER ORDERED that this matter is referred back to Magistrate Judge  
4 Leslie A. Bowman,<sup>1</sup> pursuant to the provisions of 28 U.S.C. § 636(b), Rule 72, Fed.R.Civ.P.,  
5 and Local Rules 72.1 and 72.2 for further proceedings and report and recommendation on  
6 the remaining Counts 2, 3 and 7 of the Amended Complaint.

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8 DATED this 23<sup>rd</sup> day of August, 2012.

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11 **Frank R. Zapata**  
12 **Senior United States District Judge**

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<sup>1</sup>The referral in this case was reassigned to the newly appointed Honorable Magistrate  
Judge Leslie A. Bowman on June 22, 2012 (Doc. 35).