

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 16-cv-20448-GAYLES/OTAZO-REYES

**ARCPE 1, LLC,
Plaintiff,**

v.

**NATIONSTAR MORTGAGE, LLC,
Defendant.**

ORDER AFFIRMING AND ADOPTING REPORT OF MAGISTRATE JUDGE

THIS CAUSE comes before the Court on Magistrate Judge Alicia M. Otazo-Reyes's Report of Magistrate Judge [ECF No. 96], entered on August 10, 2017. Defendant Nationstar Mortgage, LLC, filed a Notice of Removal of the state court complaint on February 8, 2016 [ECF No. 1], and subsequently filed a Motion for Summary Judgment on January 9, 2017 [ECF No. 63]. The matter was referred to Judge Otazo-Reyes pursuant to 28 U.S.C. § 636(b)(1)(B) for a Report and Recommendation on the Motion for Summary Judgment [ECF No. 84]. Judge Otazo-Reyes held a hearing on this matter on May 18, 2017. Judge Otazo-Reyes's Report recommends that the Court grant Defendant's Motion for Summary Judgment [ECF No. 96]. To date, no objections have been filed.

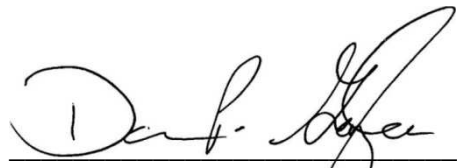
A district court may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections "pinpoint the specific findings that the party disagrees with." *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). If no objections are filed, the district court need only review the report and recommendation for "clear error." *Macort v. Prem, Inc.*, 208 F. App'x 781,

784 (11th Cir. 2006) (per curiam); *see also* Fed. R. Civ. P. 72 advisory committee's note. The Court has undertaken this review and has found no clear error in the analysis and recommendations stated in the Report. The Court agrees with Judge Otazo-Reyes that Plaintiff did not have the right to possess the Note either by virtue of an assignment or a bona fide purchaser status, nor did it demand the Note's return. Accordingly, the Court agrees with Judge Otazo-Reyes's conclusion that Defendant's Motion for Summary Judgment be granted as Plaintiff's conversion claim is not sustainable as a matter of law. Accordingly, it is

ORDERED AND ADJUDGED as follows:

- (1) Judge Otazo-Reyes's Report and Recommendation [ECF No. 96] is **AFFIRMED AND ADOPTED**;
- (2) Defendant's Motion for Summary Judgment [ECF No. 63] is **GRANTED**;
- (3) this case is **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 31st day of August, 2017.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE