

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**AMZIL KHADIJA and IMANE
ABOULHOUDA,**

Plaintiffs,

v.

1:12-cv-2519-WSD

**FANNIE MAE AKA FEDERAL
MORTGAGE ASSOCIATION and
CHASE HOME FINANCIAL, LLC,**

Defendants.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge Alan J. Baverman’s Final Report and Recommendation (“Final R&R”) [13] on Federal Mortgage Association (“Fannie Mae”) and Chase Home Finance, LLC’s (“JPMorgan,” collectively “Defendants”) Motion to Dismiss [2].

I. BACKGROUND¹

On June 12, 2012, Amzil Khadija and Imane Aboulhoda (“Plaintiffs”) filed their Complaint against Defendants in the Superior Court of Fulton County [1.1] seeking damages based on Defendants’ foreclosure upon real property located at 6853 South Expressway, Jonesboro, Georgia. (R&R at 2; Compl. at 1).

¹ The parties have not objected to the facts set out in the R&R, and finding no plain error, the Court adopts them.

On July 20, 2012, Defendants removed the action to this Court [1]. (Notice of Removal at 7).

On July 27, 2012, Defendants filed their Motion to Dismiss [2] and Motion to Stay Scheduling and Discovery Deadlines (“Motion to Stay”) [4].

On August 22, 2012, Magistrate Judge Baverman granted in part and denied in part Defendants’ Motion to Stay and ordered the parties to file their initial disclosures within fourteen (14) days.

On September 18, 2012, after Plaintiffs failed to timely submit their initial disclosures, Magistrate Judge Baverman issued an order requiring Plaintiffs to show cause why their Complaint should not be dismissed for failure to comply with a lawful order of the Court. (Order of Sept. 18, 2012, at 1).

On September 20, 2012, Plaintiffs filed their initial disclosures, a response to the show cause order, and explained their reasons for not timely submitting their initial disclosures [10, 11]. The Court accepted Plaintiffs’ explanation and allowed the action to proceed.

On November 30, 2012, the Magistrate Judge issued his Final R&R [13] and recommended that Defendants’ Motion to Dismiss be granted with prejudice. (Final R&R at 28). No objections to the Final R&R have been filed.

II. DISCUSSION

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert. denied 459 U.S. 1112 (1983). Because no objections to the Final R&R have been filed, the Court must conduct a plain error review of the record. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983), cert. denied 464 U.S. 1050 (1984).

The Court has reviewed the findings and recommendations in the Final R&R and concluded plain error was not committed in reaching them.


III. CONCLUSION

For the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge Alan J. Baverman's Final Report and Recommendation [13] is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss [2] is **GRANTED**.

SO ORDERED this 21st day of December, 2012.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE