

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

BOBBY JO ALEXANDER-LISTER,

Plaintiff,

v.

J.P. MORGAN CHASE BANK, N.A.

as servicer for

EMC Mortgage, LLC

formerly known as

EMC Mortgage Corp., et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:15-CV-3749-TWT

ORDER

This is an action under the Fair Debt Collection Practices Act. It is before the Court on the Report and Recommendation [Doc. 3] of the Magistrate Judge recommending dismissing the action for failure to state a claim. No objections to the Report and Recommendation have been filed. For the reasons set forth in the thorough and well-reasoned Report and Recommendation, the Plaintiff has no standing to object to the assignment of her mortgage to EMC Mortgage.¹ The Court

¹ See McCloud v. HSBC Bank USA, NA, 618 Fed. Appx. 660 n.2 (11th Cir. 2015) (“McCloud – as a non-party to the assignments – lacks standing to challenge to validity of the assignments.”); Milburn v. Aegis Wholesale Corp., No. 1:12-CV-01886-RWS, 2013 U.S. Dist. LEXIS 36664, at *9 (N.D. Ga. Mar. 18, 2013)

approves and adopts the Report and Recommendation as the judgment of the Court.

This action is DISMISSED for failure to state a claim.

SO ORDERED, this 14 day of January, 2016.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

(explaining that “as a stranger to the Assignment, Plaintiff lacks standing to challenge it”); Montgomery v. Bank of Am., 321 Ga. App. 343, 346 (2013) (finding that even if “the assignment on behalf of MERS was flawed, the proper party to bring a claim against MERS would be the other party to the assignment, BAC,” not the plaintiff who therefore “has no basis to contest the validity of the assignment”).