

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

TAMMY L. MALALLY,

Plaintiff,

v.

BAC HOME LOAN SERVICING,  
LLC,

Defendant.

CIVIL ACTION NO.  
3:10-CV-74-WBH

**ORDER**

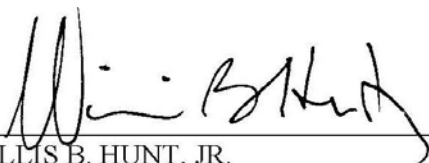
Pending before the Court is the Magistrate Judge's Final Report and Recommendation [# 15]. Plaintiff, who is proceeding *pro se*, brought this action against BAC Home Loan Servicing, LLC asserting numerous claims arising out of Defendant's threat to foreclose on her property. Defendant moved to dismiss the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The Magistrate Judge recommends that the Court grant Defendant's Motion to Dismiss [# 8].

Neither party filed objections to the Magistrate Judge's Final Report and Recommendation. Therefore, in accordance with 28 U.S.C. § 636(b)(1)

and Local Rule 72.1, the Court has reviewed the Magistrate Judge's Recommendation for plain error. The Court finds no plain error in the Magistrate Judge's Recommendation.

Accordingly, the Court **ADOPTS** the Magistrate Judge's Final Report and Recommendation [# 15] as the opinion of this Court. The Court **GRANTS** Defendant's Motion to Dismiss [# 8]. The Court **DISMISSES with prejudice** Plaintiff's Truth in Lending Act claims, Real Estate Settlement Procedures Act claims, any federal claims related to the failure to produce the note or related documents, and Plaintiff's claim brought pursuant to the Fifth Amendment to the United States Constitution. The Court **DISMISSES without prejudice** any remaining federal claims raised in the Complaint, as well as all state law claims. The Court **DIRECTS** the Clerk to **CLOSE** this case.

**SO ORDERED**, this 9<sup>th</sup> day of December, 2010.

  
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WILLIS B. HUNT, JR.  
SENIOR UNITED STATES DISTRICT JUDGE