


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.  
2016 DEC 27 AM 10:17  
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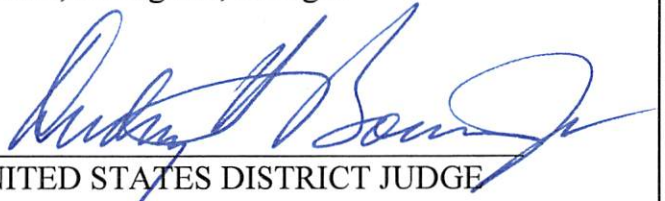
HOPE D. DARRISAW,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CV 316-082
	)	
PENNSYLVANIA HIGHER	)	
EDUCATION ASSISTANCE AGENCY	)	
(PHEAA), a Pennsylvania Corporation,	)	
also d/b/a AES and FEDLOAN, and	)	
JAMES L. PRESTON, in his capacity as	)	
President and officer of the Corporation,	)	
	)	
Defendants.	)	

—————  
**ORDER**  
—————

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge’s Report and Recommendation, to which objections have been filed. (Doc. no. 13.) Upon reviewing the original complaint and identifying pleading deficiencies, the Magistrate Judge ordered Plaintiff to “amend her complaint to include all of her allegations in one document.” (Doc. no. 4, p. 3.) The Magistrate Judge also specifically explained to Plaintiff her amended complaint would “supersede and replace in its entirety” the previous complaint. (*Id.*) The amended complaint describes the basis for Plaintiff’s federal claims and contains a prayer for relief. Accordingly, the Court **DENIES** Plaintiff’s request within her objections to “consolidate” the original and amended complaints. (Doc. no. 13, pp. 2-3.)

Plaintiff does not object to the dismissal of the three Defendants against whom the Magistrate Judge determined there were no valid claims. Nor does she object to the dismissal of her claims under the Federal Trade Commission Act (FTCA), as there is no private right of action for any such claims. Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion and **DISMISSES** Defendants Todd E. Mosko, James L. Preston, and Pennsylvania Higher Education Assistance Agency (PHEAA)/FEDLOAN Servicing, the first PHEAA defendant on the docket. The Court also **DISMISSES** all claims under the FTCA. The case shall proceed on the basis of the remaining claims raised in amended complaint. If Plaintiff wants to further amend her claims, she may do so in accordance with the Federal Rules of Civil Procedure.

SO ORDERED this 27<sup>th</sup> day of December, 2016, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE