

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RAMON PALACIOS, JR.

Plaintiff,

Case No. 14-cv-12287

v.

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

WELLS FARGO BANK, N.A.,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
DEFENDANT'S MOTION TO DISMISS**

On May 2, 2014, Plaintiff Ramon Palacios Jr. filed this action in the Saginaw County Circuit Court, which challenges the mortgage foreclosure on a piece of property located at 13310 South Merrill Road, Brant, Michigan. Palacios asserted claims for fraudulent misrepresentation, constructive fraud, promissory estoppel, negligent administration of the loan, and violation of Michigan's Regulation of Collection Practices Act. Defendant timely removed the action to this Court.

On July 10, 2014, Defendant filed a motion to dismiss Palacio's complaint. On December 8, 2014, United States Magistrate Judge Patricia T. Morris issued a report recommending that Defendant's motion to dismiss be granted and Palacios' complaint be dismissed. Judge Morris first concluded that Palacios had not identified or alleged any fraud or irregularity related to the mortgage proceedings, and therefore the mortgage proceeding would not be set aside. Judge Morris further concluded that, even if Palacio had standing to pursue his remaining claims, they were meritless.

Although Magistrate Judge Morris's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendants filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 13, is **ADOPTED**.

It is further **ORDERED** that Defendant's motion to dismiss, ECF No. 7, is **GRANTED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 14, 2015

<p style="text-align: center;">PROOF OF SERVICE</p> <p>The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 14, 2015.</p> <p style="text-align: center;"><u>s/Tracy A. Jacobs</u> TRACY A. JACOBS</p>
