UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ERIN S. LEMKE,

Plaintiff,

v.

BARCLAYS BANK DELAWARE,

Defendant.

_____/

Case No. 14-cv-14449

Honorable Thomas L. Ludington
Magistrate Judge Patricia T. Morris

ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING MOTION TO DISMISS, AND DISMISSING PLAINTIFF'S COMPLAINT

On October 17, 2014, Plaintiff Erin Lemke filed a pro se Complaint in the 75th Judicial District Small Claims Court of Michigan against Defendant Barclays Bank Delaware. The case was removed to this Court on November 21, 2014. She alleges that Defendant violated the Fair Debt Collection Act on two separate occasions, resulting in her debt being invalidated. Defendant filed a Motion to Dismiss Lemke's Complaint, asserting that she cannot state a claim under the FDCPA because Defendant is not a "debt collector" under the act

On March 31, 2015, Magistrate Judge Patricia T. Morris issued a report recommending that Defendant's motion be granted and Lemke's Complaint be dismissed because Defendant is not a "debt collector" under the FDCPA. Rep. & Rec. 1, ECF No. 7. Furthermore, liberally construing Lemke's complaint, she also does not state a claim for relief under the Fair Credit Reporting Act.

Although the Magistrate Judge'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 Defendant 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. 7, is **ADOPTED**.

It is further **ORDERED** that Defendant's Motion to Dismiss, ECF No. 4, is **GRANTED**.

It is further **ORDERED** that Plaintiff's Complaint, ECF No. 1, is **DISMISSED WITH PREJUDICE**.

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

Dated: May 28, 2015

PROOF OF SERVICE

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 May 28, 2015.

s/Karri Sandusky
Karri Sandusky, Acting Case Manager