

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAM A. TOCCO,

Plaintiff,

No. 08-CV-12328-DT

vs.

Hon. Gerald E. Rosen

AURORA LOAN SERVS., LLC
UNITED CAPITAL, INC.,

Defendants.

_____ /

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND GRANTING DEFENDANT'S
MOTION TO DISMISS OR FOR SUMMARY JUDGMENT

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on October 22, 2008

PRESENT: Honorable Gerald E. Rosen
United States District Judge

This Fair Debt Collection Practices Act action having come before the Court on
the August 14, 2008 Report and Recommendation of United States Magistrate Judge
Mona K. Majzoub recommending that the Court grant Defendant Aurora Loan Services,
LLC's motion to dismiss or for summary judgment;¹ and no timely objections to the R &

¹ Aurora Loan Services is the assignee of Plaintiff's mortgage. His original mortgagee, United Capital, was also listed in the caption as a defendant in this action. However, from the Court's review of the state court records of this matter prior to removal, no separate summons was ever issued for United Capital and United Capital was never served with process. Therefore, the Court deems Aurora Loan Services to be the only Defendant in this action.

R having been filed; and the Court having reviewed the Magistrate Judge's Report and Recommendation and the Court's file of this action and having concluded that, for the reasons stated in the Report and Recommendation, Defendant's Motion should be granted; and the Court being otherwise fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation of August 14, 2008 [**Dkt. # 9**] be, and hereby is, adopted by this Court.

IT IS FURTHER ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant's Motion to Dismiss or for Summary Judgment [**Dkt. # 4**] hereby is, GRANTED. Accordingly,

IT IS FURTHER ORDERED that Plaintiff's Complaint is DISMISSED, with prejudice.

s/Gerald E. Rosen
United States District Judge

Dated: October 22, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 22, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager