

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GRETCHEN MOLOTKY,

Plaintiff,

v.

BRUCE CAPEL, et al.,

Defendants.

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Case No. 1:17-cv-523

HON. JANET T. NEFF

**ORDER**

This is a civil action filed by a *pro se* litigant. Defendant Potestivo & Associates, P.C. filed a motion to dismiss (ECF No. 23). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on April 6, 2018, recommending that this Court grant the motion and that this action be terminated (ECF No. 24). The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). The Court having reviewed the court record, including the above filings, will adopt in part and reject in part the Report and Recommendation. Specifically, the Court adopts the Magistrate Judge's resolution as to the motion to dismiss but rejects the Magistrate Judge's recommendation to terminate this case as it appears from the docket that Defendant Argent Mortgage Company, LLC has not been served. Accordingly:

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF. No. 24) is ADOPTED in part and REJECTED in part as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Defendant Potestivo & Associates, P.C.'s Motion to dismiss (ECF No. 23) is GRANTED.

Dated: April 27, 2018

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge