

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:13-CV-231-BO

DOUGLAS E. MCPHAIL, )  
 )  
 Plaintiff, )  
 )  
 v. ) ORDER  
 )  
 WELLS FARGO DEALER SERVICES )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

This matter is before the Court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Robert B. Jones [DE 6] regarding plaintiff’s motion to proceed *in forma pauperis* and for frivolity review pursuant to 28 U.S.C. § 1915. No party has filed objections to the M&R in this matter. The Court ADOPTS the M&R and DISMISSES plaintiff’s pro se complaint.

**DISCUSSION**

Plaintiff alleged claims under the Fair Credit Reporting Act, the Fair Credit Billing Act, the Fair Debt Collection Practices Act, and various state laws. After a frivolity review, Magistrate Judge Jones recommended that these claims be dismissed. The Court adopts the M&R because no party has made objections to the M&R and because the M&R is not clearly erroneous or contrary to law. 28 U.S.C. § 636 (b)(1)(B).

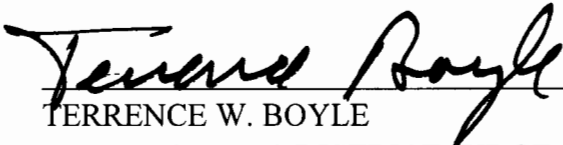
A district court is only required to review an M&R *de novo* if the plaintiff specifically objects to it or in cases of plain error. *Id.*; *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). In this case, the Magistrate Judge committed no plain error and no party has objected to the M&R.

**CONCLUSION**

The Court ADOPTS the Magistrate Judge's recommendations [DE 6]. The plaintiff's claim under the Fair Credit Reporting Act is DISMISSED WITHOUT PREJUDICE; the plaintiff's claim under the Fair Credit Billing Act is DISMISSED WITH PREJUDICE; the plaintiff's claim under the Fair Debt Collection Practices Act is DISMISSED WITHOUT PREJUDICE; and the Court declines to exercise jurisdiction over the remaining state law claims identified in the plaintiff's complaint.

SO ORDERED.

This the 11 day of July, 2013.

  
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TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE