

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

HARRISON L. SPENCER, et al.,)	
)	
Plaintiffs,)	
)	
v.)	1:15CV37
)	
SUNTRUST MORTGAGE, INC., et al.,)	
)	
Defendants.)	

ORDER

On August 24, 2015, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiffs filed Objections (ECF No. 44) within the time limit prescribed by Section 636. The Court has reviewed the Magistrate Judge's Recommendation and Plaintiffs' Objections *de novo* and finds that the objections do not change the substance of the United States Magistrate Judge's Recommendation (ECF No. 42), which shall be affirmed and adopted.

To the extent that Plaintiffs have filed additional Motions (ECF Nos. 45, 46) requesting a hearing on a state court eviction order, those Motions will be denied without prejudice to Plaintiffs raising them in the state court proceedings.

IT IS THEREFORE ORDERED that Plaintiffs' Motions for a Hearing (ECF Nos. 45, 46) are DENIED, that Defendant Brock & Scott, PLLC's Motion to Dismiss (ECF No. 22) for lack of jurisdiction is GRANTED to the extent that all claims against it are REMANDED to state court, that Defendant Select Portfolio Servicing, Inc.'s Motion to Dismiss (ECF No. 25) is GRANTED IN PART pursuant to Rule 12(b)(6), but that any claims challenging the

state court foreclosure action are REMANDED to state court, and that Defendant SunTrust Mortgage, Inc.'s Motion to Dismiss (ECF No. 17) is GRANTED as to Counts VII, VIII, IX,X, XI, XII, XV, XVI, XVIII, and XXII pursuant to Rule 12(b)(6), and that the remaining Counts are REMANDED to state court.

This, the 30th day of September, 2015.

/s/ Loretta C. Biggs
United States District Judge