Walker v. Bank of America

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BEN WALKER,

FILED SCRANTON

Plaintiff

JUN 2 4 2013

VS.

: 3:12-CV-2607 : (JUDGE MARIANI)

DEPUTY CLERK

BANK OF AMERICA,

:

Defendant

ORDER

AND NOW, THIS 24TH DAY OF JUNE, 2013, upon *de novo* review of Magistrate Judge Blewitt's Report and Recommendation (Doc. 32) the Objection to Report and Recommendation filed by the Plaintiff (Doc. 33) and the Defendant's Brief in Opposition to Plaintiff's Objection to Magistrate Judge Blewitt's Report and Recommendation (Doc. 35), Defendant's Motion to Dismiss the Second Amended Complaint (Doc. 13), and all pleadings, specifically including Plaintiff's Complaint (Doc. 1), Amended Complaint (Doc. 3), and Second Amended Complaint (Doc. 5) and all exhibits submitted by Plaintiff, **IT IS**

HEREBY ORDERED THAT:

- 1. Plaintiff's Objections (Doc. 33) are **OVERRULED**;
- 2. The Report and Recommendation (Doc. 32) is ADOPTED;
- 3. The Defendant's Motion to Set Aside Default (Doc. 15) is GRANTED;
- 4. Plaintiff's Motion for Default Judgment (Doc. 16) is **DENIED**;

- Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint (Doc. 13) is
 GRANTED AND the Second Amended Complaint (Doc. 5) is DISMISSED WITH
 PREJUDICE.
- 6. The Clerk is directed to **CLOSE THIS CASE**.

Robert D. Mariani

United States District Judge