UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERTE DARBOUZE and JEAN O. DUCLAIRE,	:
Plaintiffs,	: CIVIL ACTION NO. 3:17-CV-1664
v.	: (JUDGE CONABOY) : (Magistrate Judge Saporito)
DITECH FINANCIAL SERVICES, LLC, f/k/a GREEN TREE SERVICING, LLC,	:
Defendant.	:

ORDER

AND NOW, THIS 4th **DAY OF SEPTEMBER 2018, IT APPEARING TO THE COURT THAT:**

1. On September 15, 2017, Plaintiffs Roberte Darbouze and Jean O. Declair filed the above-captioned matter *pro se* in this Court (Doc. 1);

2. The case was assigned to Magistrate Judge Joseph F. Saporito who issued a Report and Recommendation (Doc. 13) on July 24, 2018, recommending the Motion to Dismiss of Ditech Financial LLC (Doc. 6) be granted and the complaint be dismissed (*id.* at 10);

3. No party has filed objections to the Report and Recommendation and the time for such filing has passed.

IT FURTHER APPEARING TO THE COURT THAT:

1. When a magistrate judge makes a finding or ruling on a motion or issue, his determination should become that of the court unless objections are filed. *See Thomas v. Arn*, 474 U.S. 150-53 (1985). Moreover, when no objections are filed, the district court

is required only to review the record for "clear error" prior to accepting a magistrate judge's recommendation. *See Cruz v. Chater*, 990 F. Supp. 375-78 (M.D. Pa. 1998); *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998).

2. The Court's review of the record reveals no clear error in the Magistrate Judge's conclusion that Defendant's motion should be granted and Plaintiffs' Complaint should be dismissed for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (Doc. 13 at 10). The Court also finds no clear error in Magistrate Judge Saporito's conclusion that leave to amend would be futile in this case and, therefore, the complaint should be dismissed without leave to amend (*id.* at 9-10).

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. The Magistrate Judge's Report and Recommendation (Doc. 13) is ADOPTED;
2. The Motion to Dismiss of Ditech Financial LLC (Doc. 6) is GRANTED;
3. The Complaint (Doc. 1) is dismissed with prejudice;
4. The Clerk of Court is directed to close this case.

RICHARD P. CONABOY
United States District Judge