IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

MAURICE MORRIS, Plaintiff, NATIONSTAR MORTGAGE, LLC, MORTGAGE ELECTRONIC REGISTRATION SYSTEM, HSBC BANK, and WEISS SPICER CASH, PLLC, Defendants.	)	Case No. 15-cv-2643-JTF-tmp

ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION AND DENYING ENTRY OF DEFAULT AGAINST DEFENDANT WEISS SPICER CASH, PLLC

Before the Court is the Plaintiff's Motion for Entry of Default Judgment pursuant to Fed. R. Civ. P. 55(a) against Defendant Weiss Spicer Cash, PLLC ("Weiss") that was filed on January 7, 2016. (ECF No. 23). Weiss filed its response in opposition to the motion on January 11, 2016. (ECF No. 26). On January 8, 2016, this Court vacated the order transferring the case to the United States Magistrate Judge for disposition but referred it to the Magistrate Judge solely for the management of all pretrial matters pursuant to 28 U.S.C. § 636(b)(1)(B)- (C) and Fed. R. Civ. P. 1. (ECF No. 24). On January 13, 2016, the Magistrate Judge issued a report and recommendation that Plaintiff's Motion for Entry of Default be denied. (ECF No. 27). To date, neither party has filed any objections to the report and recommendation in accordance with Fed. R. Civ. P. 72(b)(2) and L.R. 72.1(g)(2).

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A United States District Court Judge may refer certain dispositive pretrial motions to a United States Magistrate Judge for submission of proposed findings of fact and conclusions of law for disposition by the District Judge pursuant to 28 U.S.C. §636(b)(1)(B) and (C); *Brown v. Wesley Quaker Maid, Inc.*, 771 F.2d 952, 957 (6th Cir. 1985). The District Judge may accept, reject or modify in whole or in part, the Magistrate's proposed findings and recommendations. While most actions by a Magistrate Judge are reviewed for clear error, dispositive recommendations to the district judge are review *de novo*. *Thomas v. Arn*, 474 U.S. 140, 141-42 (1985). In this case, no objections were submitted.

In the report and recommendation, the Magistrate Judge submits that Plaintiff's Motion for Entry of Default should be denied because Weiss has demonstrated that the firm responded to the complaint. (ECF No. 26, Exhibits A-C). It is unclear why those documents, a notice of appearance and motion to dismiss complete with supporting memorandum, were not included in the pleadings transferred to this Court upon removal of the action from the Shelby County Chancery Court.

Accordingly, upon a *de novo* review of the record and the Magistrate Judge's report and recommendation, Plaintiff's Motion for Entry of Default against Defendant Weiss Spicer Cash, PLLC ("Weiss") is DENIED.

IT IS SO ORDERED on this 1st day of February, 2016.

s/John T. Fowlkes, Jr.
JOHN T. FOWLKES, JR.
UNITED STATES DISTRICT JUDGE