

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

BRAYLON HAYNES, individually & on	§	
behalf of all others similarly situated,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	No. 2:08-CV-00183-RWS-RSP
	§	
WELLS FARGO BANK, N.A., and	§	
WELLS FARGO HOME MORTGAGE,	§	
	§	
Defendants.	§	

**ORDER ADOPTING**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Roy S. Payne pursuant to 28 U.S.C. § 636. Now before the Court is the Report (Docket No. 237) by Magistrate Judge Payne, which recommends that Plaintiff Braylon Haynes's Motion for Class Certification (Docket No. 103) be denied. Haynes did not file objections to the Report within the time allowed by Fed. R. Civ. P. 72(b)(2).

Having considered the Report and Recommendation, the Court concludes Judge Payne's findings of facts and conclusions of law are correct. The Court agrees with Judge Payne that the low likelihood of the proposed class members facing further harm from Wells Fargo's actions and the individualized fact-specific determinations the Court would need to make to award any monetary relief to the class members preclude certification of the proposed injunctive class and FDCPA sub-class under Rule 23(b)(2) and (3).

Finding no plain error in the findings and conclusions of the Magistrate Judge, **IT IS ORDERED** that the Report and Recommendation (Docket No. 237) is hereby **ADOPTED** in its entirety. Plaintiff's Motion for Class Certification (Docket No. 103) is **DENIED**.

**So ORDERED and SIGNED this 29th day of November, 2017.**

*Robert W. Schroeder III*

ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE