

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

RON D. THORNTON and
PHYLLIS A. MITCHELL
Plaintiffs,

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V.

§ CIVIL ACTION NO. 4:10-CV-00332

THE BANK OF NEW YORK MELLON
f/k/a EMC MORTGAGE CORPORATION,
JP MORGAN CHASE BANK NEW YORK,
NY, HUGHES WATTERS ASKANASE LLP,
and CAROLYN A. TAYLOR
Defendants.

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**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

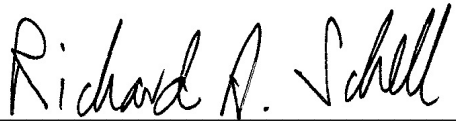
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 28, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants Hughes Watters Askanase, LLP's and Carolyn A. Taylor's Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. 14), Defendant JP Morgan Chase Bank New York, NY's Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. 20), Defendant EMC Mortgage Corporation's Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. 21), and Defendant the Bank of New York Mellon f/k/a the Bank of New York's Motion to Dismiss Pursuant to 12(b)(6) (Dkt. 22) should be GRANTED and that Plaintiffs' claims herein should be dismissed for failure to state a claim.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions

of the court. Therefore, Defendants Hughes Watters Askanase, LLP's and Carolyn A. Taylor's Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. 14), Defendant JP Morgan Chase Bank New York, NY's Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. 20), Defendant EMC Mortgage Corporation's Motion to Dismiss Pursuant to Rule 12(b)(6) (Dkt. 21), and Defendant the Bank of New York Mellon f/k/a the Bank of New York's Motion to Dismiss Pursuant to 12(b)(6) (Dkt. 22) are GRANTED and Plaintiffs' claims are dismissed for failure to state a claim.

IT IS SO ORDERED.

SIGNED this the 27th day of March, 2011.

Handwritten signature of Richard A. Schell in cursive script.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE