

# United States District Court

EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

JAY S. COOPER

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§

V.

CASE NO. 4:10-CV-689

Judge Schneider/Judge Mazzant

CITY OF PLANO, ET AL.

## 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 June 21, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants The Bank of New York Mellon Trust Company, Litton Loan Servicing, L.P. , and Michael J. McKleroy’s Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim (Dkt. #50) should be granted.

The Court, having made a *de novo* review of the objections raised by Plaintiff, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendants The Bank of New York Mellon Trust Company, Litton Loan Servicing, L.P. , and Michael J. McKleroy’s Rule 12(b)(6) Motion to Dismiss for Failure

to State a Claim (Dkt. #50) is GRANTED and The Bank of New York Mellon Trust Company, Litton Loan Servicing, L.P. , and Michael J. McKleroy are DISMISSED with prejudice

**It is SO ORDERED.**

**SIGNED this 16th day of July, 2011.**

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE