

United States District Court

**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

PAUL SMITH and RYANNE M. SMITH	§	
	§	
V.	§	CASE NO. 4:11cv371
	§	(Judge Schneider/Judge Mazzant)
CHASE HOME FINANCE, LLC, 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 September 12, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiffs' case should be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

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.

It is, therefore, **ORDERED** that Plaintiffs' case is dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

SIGNED this 6th day of October, 2011.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE