

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

KAY VANHAUEN

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v.

Case No. 4:11-CV-461
Judge Schneider/Judge Mazzant

AMERICAN HOME MORTGAGE
SERVICING, INC.

**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 February 17, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant’s Motion to Dismiss Plaintiff’s Amended Complaint (Dkt. No. 28) be granted.

The Court, having made a *de novo* review of Plaintiff’s response to the motion to dismiss (Dk. No. 38, filed after entry of the Report and Recommendation), Plaintiff’s objections (Motion for Relief from Report and Recommendation - Dkt. No. 39), and Defendant’s Response thereto (Dkt. No. 40), 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 Defendant’s Motion to Dismiss Plaintiff’s Amended

Complaint (Dkt. No. 28) is **GRANTED** and Plaintiff's case is **DISMISSED** with prejudice.

It is further **ORDERED** that Plaintiff's Motion for Relief from Report and Recommendation (Dkt. No. 39) is **DENIED**.

It is SO ORDERED.

SIGNED this 14th day of March, 2012.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE