

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

BRUCE BACON

Plaintiff,

VS.

**U.S. BANK NATIONAL ASSOCIATION,
as Successor Trustee for the Holders of
MERRILL LYNCH MORTGAGE
INVESTERS TRUST, MORTGAGE
LOAN ASSET-BACKED
CERTIFICATES, SERIES 2006-FFI,
and BANK OF AMERICA, N.A.**

Defendants.

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Case No. 4:12cv86

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

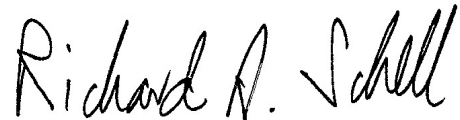
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 31, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Motion to Dismiss Plaintiff's Complaint (Dkt. 5) be GRANTED as to any claims of wrongful foreclosure or the equitable request for the production of the original loan documents, as well as Plaintiff's claims of intentional infliction of emotional distress, defamation, unfair debt collection, and violation of the Making Home Affordable ("MHA"), Home Affordable Modification Program ("HAMP"), and the Financial Institutions

Reform, Recovery, and Enforcement Act (“FIRREA”) and DENIED as to Plaintiff’s request for declaratory judgment and claims of money had and received, common law fraud, fraud by non-disclosure and violation of Section 12.002 of the Texas Civil Practices and Remedies Code.

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’ Motion to Dismiss Plaintiff’s Complaint (Dkt. 5) is GRANTED as to any claims of wrongful foreclosure or the equitable request for the production of the original loan documents, as well as Plaintiff’s claims of intentional infliction of emotional distress, defamation, unfair debt collection, and violation of the Making Home Affordable (“MHA”), Home Affordable Modification Program (“HAMP”), and the Financial Institutions Reform, Recovery, and Enforcement Act (“FIRREA”) and DENIED as to Plaintiff’s request for declaratory judgment and claims of money had and received, common law fraud, fraud by non-disclosure and violation of Section 12.002 of the Texas Civil Practices and Remedies Code.

IT IS SO ORDERED.

SIGNED this the 28th day of September, 2012.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE