

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