

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

ELENA HUNTER, on behalf of herself §
 and all others similarly situated; §
 BLIND AMBITIONS GROUPS; and §
 BLIND AMBITIONS GROUPS, §
 on behalf of its members and §
 all others similarly situated, §

Plaintiffs, §

V. §

FIRST NATIONAL BANK TEXAS §
 d/b/a §
 FIRST CONVENIENCE BANK, §

Defendant. §

CASE NO. 4:12cv355
 Judge Clark/Judge Mazzant

**ORDER 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 December 11, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that defendant’s Motion to Dismiss Blind Ambitions Group’s Claims Under Federal Rule of Civil Procedure 12(b)(1) for lack of standing [Doc. #18] be denied [Doc. #27]. On December 21, 2012, defendant filed its objections to the report [Doc. #28]. On January 4, 2013, plaintiffs filed a response [Doc. #31].

The Magistrate Judge concluded that plaintiffs’ amended complaint alleged sufficient facts to establish standing with respect to Blind Ambitions.

Defendant objects that Blind Ambitions lacks standing to pursue the claims in this lawsuit.

Defendant fails to point out how the Magistrate Judge erred in the report and merely recites the same arguments considered in the original briefing. The Magistrate Judge found that this was close case and the court agrees. However, the court finds no error in the Magistrate Judge's approach in this case, especially considering the lack of clarity in the case law. The court finds that the Magistrate Judge properly considered the issue.

Having received the amended report of the United States Magistrate Judge, and considering the objections thereto filed by defendant [Doc. #28], as well as all other relevant pleadings, 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 defendant's Motion to Dismiss Blind Ambitions Group's Claims Under Federal Rule of Civil Procedure 12(b)(1) for lack of standing [Doc. #18] is **DENIED**.

So **ORDERED** and **SIGNED** this **22** day of **March, 2013**.



Ron Clark, United States District Judge