

****NOT FOR PRINTED PUBLICATION****

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

JOSEPH HARKER,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
V.	§	CASE NO. 4:12cv684
	§	Judge Clark/Judge Mazzant
OCWEN LOAN SERVICING, LLC, and	§	
DEUTSCHE BANK NATIONAL TRUST	§	
as Trustee under the Pooling and Servicing	§	
Agreement dated as of April 1, 2002,	§	
Morgan Stanley Dean Witter Capital I Inc.	§	
Trust 2002-AM2, and AMES FUNDING	§	
CORP. DBA AAMES HOME LOANS,	§	
	§	
<i>Defendants.</i>	§	

**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 March 5, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants’ Motion to Dismiss for Failure to State a Claim Pursuant to Rule 12(b)(6) [Doc. #8] be granted.

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 Defendants’ Motion to Dismiss for Failure to State a Claim

Pursuant to Rule 12(b)(6) [Doc. #8] is granted, and Plaintiff's case is DISMISSED with prejudice.

All relief not previously granted is hereby **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

So **ORDERED** and **SIGNED** this **4** day of **April, 2013**.

A handwritten signature in cursive script, appearing to read "Ron Clark".

Ron Clark, United States District Judge