

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

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

MARK L. MADENWALD and  
ALMEDA F. MADENWALD,

*Plaintiffs,*

V.

JPMORGAN CHASE BANK, N.A.,  
U.S. BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
WAMU MORTGAGE PASS THROUGH  
CERTIFICATE FOR WMALT SERIES  
2007-OA3 TRUST, and CHICAGO TITLE  
INSURANCE COMPANY,

*Defendants.*

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CASE NO. 4:13-CV-136  
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 May 14, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants’ Motion for Summary Judgment [Doc. #37] be granted [Doc. #46]. On May 23, 2014, Plaintiffs filed an opposed motion to enlarge time to respond to the report and recommendation [Doc. #47]. On May 28, 2014, the court granted the Plaintiffs’ request and gave Plaintiffs until June 4, 2014, to file their objections. On June 5, 2014, Plaintiffs filed their Objection to Magistrate Judge’s Report and Recommendation [Doc. #49]. After the Clerk notified Plaintiffs that the document had been filed

under the wrong event, Plaintiffs refill the objections on June 6, 2014 [Doc. #50]. On June 9, 2014, Defendants filed a motion to strike the objections as untimely. Plaintiffs filed no response to the motion to strike nor did they request that the court consider the late objections. The objections were filed late and will not be considered by the court. The court grants the motion to strike.

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 Strike Plaintiffs' Objection to Report and Recommendation on Motion for Summary Judgment [Doc. #51] is **GRANTED**.

It is further **ORDERED** that Defendants' Motion for Summary Judgment [Doc. #37] is **GRANTED** and Plaintiffs' case is **DISMISSED** with prejudice.

So **ORDERED** and **SIGNED** this **18** day of **July, 2014**.



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Ron Clark, United States District Judge