

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

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

DORCAS A. PAYNE,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
V.	§	CASE NO. 4:13cv381
	§	Judge Clark/Judge Mazzant
BARRETT DAFFIN FRAPPIER	§	
TURNER & ENGEL, LLP, JP MORGAN	§	
CHASE BANK, NATIONAL	§	
ASSOCIATION, MCCARTHY	§	
HOLTHUS ACKERMAN, LLP,	§	
GREGORY SHANNON, JAMIE DIMON,	§	
FIRST SERVICE RESIDENTIAL	§	
REALTY, KEELY ANNE PORTER,	§	
SAFEGUARD PROPERTIES, U.S.	§	
DEPARTMENT OF HOUSING AND	§	
URBAN DEVELOPMENT, THE	§	
PROPERTY SHOP, JOE PETERSON	§	
AND KEVIN R. MCCARTHY,	§	
	§	
<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 January 29, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Kevin McCarthy’s Amended Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted [Doc. #35], Defendant First Service Residential Realty’s Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted [Doc. #45], and Defendant U.S. Department of Housing and

Urban Development's Motion to Dismiss for Lack of Personal Jurisdiction, for Insufficient Service of Process, for Lack of Subject Matter Jurisdiction, and for Failure to State a Claim [Doc. #46] be granted and all claims against Kevin McCarthy and First Service Residential Realty be dismissed with prejudice. The court further recommended that Defendant U.S. Department of Housing and Urban Development be dismissed without prejudice for lack of subject matter Jurisdiction.

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 Defendant Kevin McCarthy's Amended Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted [Doc. #35], Defendant First Service Residential Realty's Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted [Doc. #45], and Defendant U.S. Department of Housing and Urban Development's Motion to Dismiss for Lack of Personal Jurisdiction, for Insufficient Service of Process, for Lack of Subject Matter Jurisdiction, and for Failure to State a Claim [Doc. #46] are **GRANTED**.

The court further **ORDERS** that all claims against Kevin McCarthy and First Service Residential Realty are **DISMISSED** with prejudice, and Defendant U.S. Department of Housing and Urban Development is **DISMISSED** without prejudice for lack of subject matter Jurisdiction.

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

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

So **ORDERED** and **SIGNED** this **7** day of **March, 2014**.

A handwritten signature in black ink, appearing to read "Ron Clark". The signature is written in a cursive, flowing style.

Ron Clark, United States District Judge