

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

ELAINE HARVEY MCCLAIN,

Plaintiff,

VS.

WELLS FARGO HOME MORTGAGE,

Defendant.

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Case No. 4:14cv458

MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND  
ORDER OF DISMISSAL

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 October 20, 2014, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant’s Motion to Dismiss (Dkt. 4) be GRANTED in part and that Plaintiff’s claims be dismissed without prejudice for want of prosecution.

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 recommendations as the findings and conclusions of the court. Therefore, Defendant’s Motion to Dismiss (Dkt. 4) is GRANTED in part, and Plaintiff’s claims are dismissed without prejudice for want of prosecution. This matter shall be closed on the court’s docket, and all costs shall be borne by the party incurring same.

**IT IS SO ORDERED.**

**SIGNED this the 31st day of March, 2015.**



RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE