

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

**SEAN KELLY and
ANITA KELLY**

Plaintiffs,

VS.

CITIBANK, N.A.

Defendant.

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Case No. 4:14CV652

**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 February 11, 2015, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiffs’ Motion for Voluntary Dismissal of All Claims Without Prejudice (Dkt. 14) be GRANTED, that Defendant’s Motion to Dismiss (Dkt. 5) be DENIED as MOOT, that Plaintiffs’ claims be dismissed without prejudice, and that this matter be closed on the court’s docket.

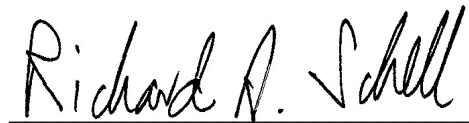
Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s recommendations as the findings and conclusions of the court.

Therefore, Plaintiffs' Motion for Voluntary Dismissal of All Claims Without Prejudice (Dkt. 14) is GRANTED, and Defendant's Motion to Dismiss (Dkt. 5) is DENIED as MOOT.

Plaintiffs' claims are dismissed without prejudice, this matter is closed on the court's docket, and all costs shall be borne by the party incurring same.

IT IS SO ORDERED.

SIGNED this the 24th day of June, 2015.

Handwritten signature of Richard A. Schell in black ink.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE