

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

JENNIFER K. ABBOTT-POPE,

Plaintiff,

v.

TEXAS RECOVERY BUREAU, INC.,  
et al.,

Defendants.

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Civil Action No. 4:14-CV-702  
(Judge Mazzant/Judge Johnson)

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF 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 Magistrate Judge pursuant to 28 U.S.C. § 636. On September 6, 2017, the report of the Magistrate Judge (the “Report”) was entered containing proposed findings of fact and recommendations that Plaintiff’s case against Defendant Texas Recovery Bureau, Inc. (“Defendant” or “TRB”), the only remaining Defendant, be dismissed for want of prosecution.<sup>1</sup> *See* Dkt. 248.

On July 18, 2017, the Court entered an order (“the July 18 Order”) finding that service on Defendant TRB was not properly executed. *See* Dkt. 240. The July 18 Order warned Plaintiff that if she failed to demonstrate good cause for the failure to serve within fourteen days from the issuance of the order, the Court would recommend the case be dismissed for failure to serve. *See id.* at 3. The record indicates Plaintiff received the July 18 Order on July 21, 2017. *See* Dkt.

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<sup>1</sup> Defendants Santander Consumer USA, Santander Holding USA, Inc., and Santander Consumer USA Holding, Inc., were dismissed with prejudice on August 5, 2016, and Defendants HSBC Financial Corporation, PRA Receivables Management LLC, Portfolio Recovery Associates LLC, Beck & Masten Pontiac-GMC Inc., and HSBC Auto Finance, Inc., were dismissed with prejudice on April 12, 2017. *See* Dkts. 169 and 231.

241. Plaintiff made no further filings, and the Court recommended that Plaintiff's case be dismissed for want of prosecution for failure to serve the remaining Defendant. *See* Dkt. 242.

The record also indicates Plaintiff received the Report on August 7, 2017. *See* Dkt. 244. That same day, Plaintiff filed a tardy response to the July 18 Order. *See* Dkt. 243. In her response, Plaintiff stated that the United States Marshal's Office served the papers on Defendant TRB, and hence, that if "they" (the United States Marshal's Office) made a mistake in service, it was not her fault. *Id.* Plaintiff also stated the Texas Secretary of State indicated Defendant has a designated registered agent for service of process. *Id.*

In an order dated August 17, 2017 (the "August 17 Order"), Plaintiff was directed to file with the Court by August 22, 2017, an address for summons to be served on Defendant. *See* Dkt. 245. Plaintiff was further directed to provide the designated registered agent for service of process for Defendant. *Id.* The record indicates the August 17 Order was delivered to Plaintiff on August 21, 2017. *See* Dkt. 247. Plaintiff failed to file any response whatsoever.

In the Report, Plaintiff was warned that failure to comply with the August 17 Order within fourteen (14) days from service of the Report would result in dismissal for failure to prosecute. *See* Dkt. 248. The record indicates Plaintiff received a copy of the Report on September 11, 2017. *See* Dkt. 249. However, no objections nor any other response has been filed.

Having received the Report of the United States Magistrate Judge (Dkt. 248), and no objections thereto having been timely filed, the 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 Plaintiff's claims against Defendant Texas Recovery Bureau, Inc., are **DISMISSED** for want of prosecution.

All relief not previously granted is **DENIED**, and the Clerk is directed to **CLOSE** this civil action.

**It is SO ORDERED.**

**SIGNED this 12th day of October, 2017.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE