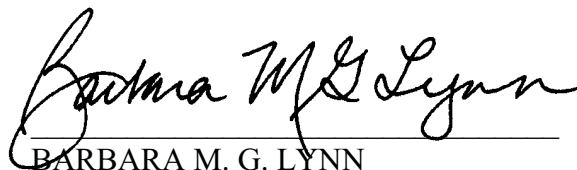


law, the assignment of the Deed of Trust to Wachovia Bank in 2008 was valid. However, Defendants are not entitled to raise arguments for the first time in their objections to the Magistrate Judge's Findings, Conclusions, and Recommendation that were not asserted in their motion. *See Cupit v. Whitley*, 28 F.3d 532, 535 (5th Cir. 1994) (arguments which could have been raised before the Magistrate Judge, but are raised for the first time in objections before the District Court, are waived); *see also Paterson-Leitch Co., Inc. v. Mass. Mun. Wholesale Elec., Inc.*, 840 F.2d 985, 990-91 (1st Cir. 1988) (party's entitlement to *de novo* review before District Court upon filing objections to Report and Recommendation of Magistrate Judge does not entitle him to raise issues which were not adequately presented to Magistrate Judge). The Court therefore does not consider Defendants' new arguments raised in their objections to the Magistrate Judge's Findings, Conclusions, and Recommendation.

Accordingly, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (Doc. 18) and **DENIES** Defendants' Rule 12(b)(6) Motion to Dismiss (Doc. 11).

SO ORDERED this 19th day of June, 2013.

A handwritten signature in black ink, reading "Barbara M. G. Lynn". The signature is written in a cursive style with a horizontal line underneath the name.

BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS