

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BARBARA A. ADAMS,	§	
	§	
Plaintiff,	§	
	§	
V.	§	No. 3:17-cv-723-B-BN
	§	
U.S. BANK, N.A., ET AL.,	§	
	§	
Defendant.	§	

**AMENDED ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**


This order amends and supersedes the Order Accepting Findings and Recommendation of the United States Magistrate Judge entered on October 4, 2017 [Dkt. No. 39]. After making an independent review of the pleadings, files, and records in this case and of the Findings, Conclusions, and Recommendation of the United States Magistrate Judge dated September 1, 2017, the Court finds that the Findings, Conclusions, and Recommendation of the Magistrate Judge are correct, and they are accepted as the Findings, Conclusions, and Recommendation of the Court.

IT IS, THEREFORE, ORDERED that the Findings, Conclusions, and Recommendation of the United States Magistrate Judge are accepted, Defendant Guild Mortgage Company's Motion to Dismiss [Dkt. No. 5] is granted, and Plaintiff Barbara Adams's claim against Defendant Guild Mortgage Company for breach of fiduciary duty is DISMISSED without prejudice, with leave to amend to replead that claim within 21 days of the date of this order. If an amended pleading is not filed by that date, Plaintiff Barbara Adams's claim against Defendant Guild Mortgage Company for breach of fiduciary duty will be dismissed with prejudice without further notice.

Because the Court is granting leave to replead, the Judgment entered on October 4, 2017

[Dkt. No. 40] is VACATED as premature.

SO ORDERED this 11th day of October, 2017.



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE