

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANDREW LOTT,

Plaintiff,

v.

WELLS FARGO BANK,

Defendant.

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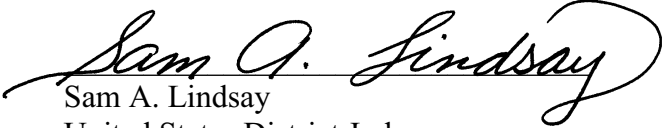
Civil Action No. **3:17-CV-1270-L**

ORDER

On August 22, 2018, United States Magistrate Judge Rebecca Rutherford entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 25), recommending that the court grant Defendant’s Motion to Dismiss (Doc. 13), pursuant to Federal Rule of Civil Procedure 12(b)(6) but allow Plaintiff to file an amended complaint to replead his breach of contract and quiet title claims and request for a declaratory judgment to cure the deficiencies noted in the Report. No objections to the Report were filed within the time allowed.

After reviewing the motion, pleadings, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **grants** Defendant’s Motion to Dismiss (Doc. 13) but, instead of dismissing with prejudice Plaintiff’s claims, the court will allow him to file an amended complaint to cure the deficiencies noted by the magistrate judge regarding his breach of contract and quiet title claims and request for a declaratory judgment. Any amended complaint must be filed by **October 15, 2018**. *Failure to file an amended complaint by this date will result in the dismissal with prejudice of Plaintiff’s claims and this action pursuant to Rule 12(b)(6).*

It is so ordered this 13th day of September, 2018.


Sam A. Lindsay
United States District Judge