

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

**KEVIN JONES,**

Plaintiff,

v.

**NEWREZ LLC d/b/a SHELLPOINT  
MORTGAGE SERVICING,**

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Action No. **3:22-CV-109-L-BT**

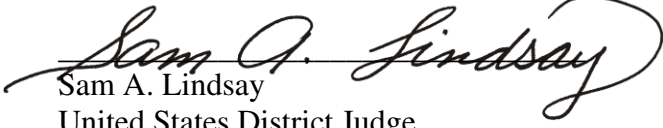
**ORDER**

On October 7, 2022, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 20) was entered, recommending that the court grant Defendant’s Motion for Summary Judgment (Doc. 8) and dismiss with prejudice all claims asserted by Plaintiff in this mortgage foreclosure action. Plaintiff’s pleadings include demands for declaratory relief, as well as claims for (1) breach of contract; (2) alleged violations of the Texas Debt Collection Act, Texas Deceptive Trade Practices Act, and Real Estate Settlement Procedures Act; (3) breach of the common law tort of unreasonable collection efforts; (4) breach of the duty of cooperation; (5) breach of fiduciary duty; and (6) intentional infliction of emotional distress. Defendant moved for summary judgment as to all of Plaintiff’s claims, but Plaintiff, who is represented by counsel, did not respond to Defendant’s summary judgment motion. The magistrate judge, therefore, determined that Plaintiff had abandoned all of his claims, and that Defendant was entitled to judgment as a matter of law, as Plaintiff had failed to raise a genuine dispute of material fact as to any of his claims. No objections to the Report were filed by Plaintiff.

Having considered Defendant’s Motion for Summary Judgment (Doc. 8) and evidence, the file, record in this case, 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 for Summary Judgment (Doc. 8) and **dismisses with prejudice** all claims asserted by Plaintiff.

**It is so ordered** this 31st day of October, 2022.

  
Sam A. Lindsay  
United States District Judge