UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

DANIEL THOMAS, *et al*,	§	
	§	
Plaintiffs,	§	
VS.	§	
	§	CIVIL ACTION 3:14-CV-0076
PHH MORTGAGE CORPORATION, *et al*,	§	
	§	
Defendants.	§	

ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION AND DISMISSING CASE

Pending before the Court is the Report and Recommendation of United States Magistrate Judge John R. Froeschner. Dkt. 45. On September 22, 2014, this case was referred to Judge Froeschner pursuant to 28 U.S.C. § 636(b)(1)(B). Dkt. 23. Pending before Judge Froeschner are: (1) Defendants HSBC Bank USA, N.A's ("HSBS") and PHH Mortgage Corporation's ("PHH") Motion for Summary Judgment (Dkt. 19); (2) Plaintiffs Daniel Thomas' and Tami Thomas' Motion for Summary Judgment (Dkt. 29); and (3) Defendants' First Amended Motion for Summary Judgment (Dkt. 39).

On May 12, 2015, Judge Froeschner filed a Report and Recommendation (Dkt. 45) recommending that Plaintiffs' Motion for Summary Judgment (Dkt. 29) be denied, that Defendants' Motions for Summary Judgment (Dkts. 19 and 39) be granted, and that Plaintiffs' Second Amended Complaint be dismissed with prejudice. No objections have been filed to the Report and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also*, FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED** that:

(1) Judge Froeschner's Report and Recommendation is **APPROVED AND ADOPTED** in its entirety as the holding of the Court;

(2) Plaintiff's Motion for Summary Judgment (Dkt. 29) is **DENIED**;

(3) Defendant's Motions for Summary Judgment (Dkts. 19 and 39) are **GRANTED**; and

(4) This case is **DISMISSED WITH PREJUDICE**.

SIGNED, at Galveston, Texas July 31, 2015.

George C. Hanks Jr.

GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE