

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RODRICK J. MORRIS,

Plaintiff,

v.

CONN CREDIT CO., *et al.*,

Defendants.

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Civil Action No. H-13-195

ORDER

Pending before the Court is Defendant Saferent's Motion to Dismiss and Brief in Support (Document No. 17). Having considered the motion and the applicable law, the Court finds that the motion should be denied at this time, and that Plaintiff Rodrick J. Morris should be granted leave to amend his Complaint as to Defendant Saferent.

Morris alleges that Defendant First Advantage Saferent, Inc. ("Saferent") obtained his credit report without his permission in violation of Section 604 of the Fair Credit Reporting Act. Unlike Morris's similar claims against other defendants, which reference specific credit reports, Morris does not indicate a specific credit report related to his allegations against Saferent. Nor does Morris plead any other facts to indicate when he contends that Saferent allegedly obtained the unauthorized credit report. In fact, the allegations set forth against Saferent by Morris in his Original Complaint appear to be incomplete. The Court, therefore, determines that

Morris should be granted leave to amend his Complaint and properly plead sufficient facts to state a claim against Defendant Saferent, if such claim exists. Accordingly, the Court

ORDERS that Defendant Saferent's Motion to Dismiss and Brief in Support (Document No. 17) is **DENIED WITHOUT PREJUDICE**. The Court further

ORDERS that Plaintiff Rodrick J. Morris shall amend his Complaint on or before August 16, 2013, as stated herein. Should Plaintiff Rodrick J. Morris fail to amend his Complaint as ordered, his claims against Saferent will be dismissed for failure to state a claim and want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

SIGNED at Houston, Texas, on this 26 day of July, 2013.



DAVID HITTNER
United States District Judge