

United States District Court
Southern District of Texas

ENTERED

May 31, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CHRISTOPHER DICKEY,

Plaintiff,

VS.

STATE FARM BANK,

Defendant.

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CIVIL ACTION NO. 4:18-CV-770

OPINION AND ORDER

ADOPTING MAGISTRATE JUDGE’S MEMORANDUM AND RECOMMENDATION

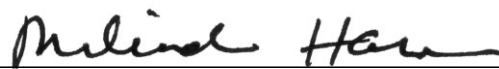
Pending before the Court in the above referenced proceeding is Movant State Farm Bank’s Motion for to Dismiss under Rule 12(b)(5) & (6) or, Alternatively, for More Definite Statement, Doc. 3; and Judge Stacy’s Memorandum and Recommendation that the Court grant the Movant’s Motion for to Dismiss, Doc. 7, as to all claims. Plaintiff Christopher Dickey neither responded to the motion to Dismiss nor did he object to the Memorandum and Recommendation. Thus, under Local Rule 7.4, the motion and memorandum are deemed unopposed.

Upon review, the Court agrees with the Magistrate Judge’s conclusion that Dickey did not establish a *prima facie* case his four causes of action: “Breach of Implied Covenant & Bad Faith,” “Deception & Unfair Business Practices (Federal Trade Commission Act),” Misrepresentation & Negligent Supervision of Employees,” and “Fair Debt Collections Act.” The Court also agrees that Dickey did not properly serve State Farm Bank with process. Finally, the Court agrees that Dickey should not be given leave to amend. Accordingly, the Court hereby

ORDERS that the Memorandum and Recommendation, Doc. 7, is **ADOPTED**. State Farm Bank’s Motion for to Dismiss, Doc. 3, is **GRANTED**.

Plaintiff’s case is **DISMISSED WITH PREJUDICE**.

SIGNED at Houston, Texas, this 30th day of May, 2018.

A handwritten signature in cursive script that reads "Melinda Harmon". The signature is written in black ink and is positioned above a horizontal line.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE