UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ANITRA CARTER,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. 4:18-CV-822
	§	
BAYVIEW LOAN SERVICING, LLC, *et al*,	§	
	§	
Defendants.	§	

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court in the above referenced proceeding is Defendant Bayview Loan Servicing, LLC's ("Bayview") Motion to Dismiss (Doc. No. 32); Mortgage Electronic Registration Systems, Inc.'s ("MERS") Motion to Dismiss (Doc. No. 35); Plaintiff's responses (Doc. Nos. 36, 38); Defendants' replies (Doc. Nos. 37, 40); Defendants' Motion to Abate Proceedings Pending Ruling on Motion to Dismiss (Doc. No. 45); Judge Stacy's Memorandum and Recommendation (Doc. 48) that the Court grant the Defendants' Motions to Dismiss; and, Plaintiff's Objections (Doc. No. 52) to the Memorandum and Recommendation.

The Court has reviewed the case, *de novo*, and agrees with the Magistrate Judge's conclusion that Plaintiff has failed to state a claim upon which relief can be granted; that because her substantive claims should be dismissed, her claim for declaratory relief, likewise, should be dismissed. Finally, as Plaintiff has already amended her complaint and there is nothing in the that record to indicate that Plaintiff could state a plausible claim against Defendants in another amendment to her complaint, Plaintiff's claims should be dismissed without leave to amend. Accordingly, it is hereby

ORDERED that Plaintiff Anita Carter's Objections (Doc. No. 52) are **OVERRULED**; the Memorandum and Recommendation (Doc. No. 48) is **ADOPTED**; Defendant Bayview's

Motion to Dismiss (Doc. No. 32) and Defendant MERS's Motion to Dismiss (Doc. No. 35) are **GRANTED**. It is further

ORDERED that the Joint Motion to Abate Proceedings (Doc. No. 45) is **DENIED** as **MOOT**. It is further

ORDERED that Plaintiff's case is **DISMISSED WITH PREJUDICE**.

Entry of this Order shall constitute entry of Final Judgment.

SIGNED at Houston, Texas, this 19th day of July, 2019.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE