

United States District Court
Southern District of Texas

ENTERED

August 12, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JADA MONAE RHODES,	§	
	§	
Plaintiff.	§	
	§	
VS.	§	CIVIL ACTION NO. 4:21-cv-04221
	§	
STERLING MCCALL NISSAN, <i>et</i>	§	
<i>al.</i> ,	§	
	§	
Defendants.	§	

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On June 14, 2022, Defendants' Motion to Dismiss (Dkt. 18) was referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B). Dkt. 21. Judge Edison filed a Memorandum and Recommendation on July 27, 2022, recommending the motion be **GRANTED** in part and **DENIED** in part. *See* Dkt. 29.

On August 10, 2022, Plaintiff filed a Response to Defendant's Reply for Motion to Dismiss. *See* Dkt. 30. Because this document was filed after Judge Edison issued a Memorandum and Recommendation in this matter, I will consider Plaintiff's latest pleading as timely filed objections to Judge Edison's Memorandum and Recommendation. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the objections, the Memorandum and Recommendation, the pleadings, and the record. The Court **ACCEPTS** Judge Edison's Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 29) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) Defendants' Motion to Dismiss (Dkt. 18) is **GRANTED** as to Plaintiff's Fair Credit Reporting Act claim; the claims brought under 18 U.S.C. §§ 1341, 1343, and 1951; the claim brought under 12 U.S.C. § 83; and the Truth in Lending Act ("TILA") claim to the extent that Plaintiff seeks rescission of the vehicle transaction. However, the motion is **DENIED** as to Plaintiff's TILA claim to the extent Plaintiff claims that Defendants failed to disclose certain terms and conditions of the transaction.

It is so **ORDERED**.

SIGNED and ENTERED this 11th day of August 2022.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE