

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>OWEN M. SMITH AND DANA N. SMITH</b>	§	
	§	
<b>V.</b>	§	<b>A-09-CV-881 LY</b>
	§	
<b>USA MORTGAGE D/B/A LAKEWAY</b>	§	
<b>MORTGAGE</b>	§	

**ORDER**

Before the Court is *Pro Se* Plaintiffs' Request for Settlement of Debt as Required by Replevin, Trover and Detinue and Exchange of Property filed on November 18, 2010 (Clerk's Docket No. 79). The District Court referred the above-motion to the undersigned Magistrate for resolution pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of Appendix C of the Local Court Rules.

In Plaintiffs' Request for Settlement of Debt, Plaintiffs ask the Court to issue an order extinguishing Plaintiffs' debt owed to the Defendants named in Plaintiffs' Complaint and to sanction the defense attorneys in this case. Although it is not entirely clear, it appears that Plaintiffs' are seeking a dispositive ruling in this case, which is premature at this stage of the case. The parties in the case have not held a Rule 26(f) conference and have not conducted any discovery. Because the Motion is premature Plaintiffs' Request for Settlement of Debt as Required by Replevin, Trover and Detinue and Exchange of Property is HEREBY DENIED (Clerk's Docket No. 79).

SIGNED this the 7<sup>th</sup> day of January, 2011.




---

ANDREW W. AUSTIN  
UNITED STATES MAGISTRATE JUDGE