

**JACQUELINE A. WOODS, Plaintiff, v. NORTH TEXAS NISSAN LP, ET AL., Defendants.**

**Case No. 4:09cv217**

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS, SHERMAN DIVISION**

**December 21, 2009, Decided**

**December 22, 2009, Filed**

**COUNSEL:** Jaquelne A. Woods, Plaintiff, Pro se, Paris, TX.

For North Texas Nissan LP, Defendant: Gary D Frimes, LEAD ATTORNEY, HOWELL & GRIMES, Texarkana, TX.

For Wells Fargo, Defendant: Shayne Daniel Moses, LEAD ATTORNEY, Moses, Palmer & Howell, LLP, Fort Worth, TX.

**JUDGES:** RICHARD A. SCHELL, UNITED STATES DISTRICT JUDGE.

**OPINION BY:** RICHARD A. SCHELL

**OPINION**

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On November 13, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Orr Motors of Corinth, Inc.'s Motion for Dismissal (Dkt. 26) and Defendant Wells Fargo

Bank, N.A.'s Motion to Dismiss (Dkt. 28) be GRANTED in part, that Defendant Orr Motors of Corinth, Inc.'s Motion to Dismiss Under *Rule 12(b)* (Dkt. 9) for failure to state a claim and Defendant Wells Fargo Bank, N.A.'s Motion for Summary Judgment (Dkt. 20) be DENIED as MOOT, and that this matter be dismissed without prejudice for want of jurisdiction.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendant Orr Motors of Corinth, Inc.'s Motion for Dismissal (Dkt. 26) and Defendant Wells Fargo Bank, N.A.'s Motion to Dismiss (Dkt. 28) are GRANTED in part, Defendant Orr Motors of Corinth, Inc.'s Motion to Dismiss Under *Rule 12(b)* (Dkt. 9) for failure to state a claim and Defendant Wells Fargo Bank, N.A.'s Motion for Summary Judgment (Dkt. 20) are DENIED as MOOT, and this matter is dismissed without prejudice for want of jurisdiction.

**IT IS SO ORDERED.**

**SIGNED** this 21st day of December, 2009.

/s/ Richard A. Schell

RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE