

**ENTERED**

June 01, 2023

Nathan Ochsner, Clerk

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

PATRICK PETER	§	CIVIL ACTION NO
PRYCE LATTY JR.,	§	4:22-cv-01216
Plaintiff,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
DHI MORTGAGE	§	
COMPANY LTD,	§	
Defendant.	§	

**ORDER ADOPTING  
MEMORANDUM AND RECOMMENDATION**

Plaintiff, proceeding *pro se*, sued Defendant DHI Mortgage Company, Ltd. for violations of the Truth in Lending Act (TILA) in connection with his home mortgage loan. Dkt 19. Plaintiff subsequently moved for injunctive and declaratory relief, and Defendant moved to dismiss for failure to state a claim. Dkts 20, 21. The matter was referred for disposition to Magistrate Judge Christina A. Bryan. Dkt 9.

Pending is a Memorandum and Recommendation by Magistrate Judge Christina A. Bryan dated April 24, 2023. Dkt 31. She recommends that Plaintiff's claims be dismissed with prejudice because he doesn't allege facts that show any violation of the TILA, and he has previously been given the opportunity amend. Judge Bryan thus recommends that Plaintiff's affirmative motion for declaratory and injunctive relief be denied.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir

1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

None of the parties filed objections. No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.


The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 31.

Plaintiff's claims are DISMISSED WITH PREJUDICE.

A final judgment will enter separately

SO ORDERED.

Signed on May 31, 2023, at Houston, Texas.

  
Hon. Charles Eskridge  
United States District Judge