

ENTERED

December 28, 2023

Nathan Ochsner, Clerk

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

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|--------------------------|---|------------------------|
| MICHAEL HARRIS, | § | CIVIL ACTION NO. |
| Plaintiff, | § | 4:23-cv-01414 |
| | § | |
| | § | |
| vs. | § | JUDGE CHARLES ESKRIDGE |
| | § | |
| | § | |
| BSI FINANCIAL | § | |
| SERVICES, <i>et al</i> , | § | |
| Defendants. | § | |

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiff Michael Harris, proceeding *pro se*, sued Defendants in Texas state court, asserting claims of wrongful foreclosure. Dkt 1-3.

Pending is a Memorandum and Recommendation by Magistrate Judge Christina A Bryan, recommending that the motion to remand by Plaintiff be denied because Defendants met their burden to establish complete diversity under 28 USC § 1332. Dkt 20.

Also pending is a Memorandum and Recommendation by Judge Bryan, recommending that (i) the motion to dismiss by Defendants be granted and this case be dismissed with prejudice because Plaintiff cannot state a claim for wrongful foreclosure, and (ii) the motion for summary judgment by Plaintiff be denied consistent with the ruling on the motion to dismiss. Dkt. 21.

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 Memoranda and Recommendations of the Magistrate Judge are ADOPTED as the Memoranda and Orders of this Court. Dkts 20 & 21.

The motion by Plaintiff to remand is DENIED. Dkt 11.

The motion by Defendants to dismiss is GRANTED. Dkt 2.

The motion by Defendants for summary judgment is DENIED. Dkt 18.

This case is DISMISSED WITH PREJUDICE.

A final judgment will issue by separate order.

SO ORDERED.

Signed on December 27, 2023, at Houston, Texas.

Hon. Charles Eskridge
United States District Judge