

Mouanda v. Navy Fed. Credit Union

Decided Feb 18, 2025

Civil Action 4:24-cv-00017

02-18-2025

HUGET JUNIOR NDZAKA MOUANDA, Plaintiff, v. NAVY FEDERAL CREDIT UNION, Defendant.

Hon. Charles Eskridge, United States District Judge

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Hon. Charles Eskridge, United States District Judge

Plaintiff proceeds *pro se* and filed a complaint against Defendant Navy Federal Credit Union on November 24, 2023. He alleges violations of state and federal law related to his car loan. Dkt 1. The matter was referred for pretrial management to Magistrate Judge Christina A. Bryan. Dkt 4.

Pending is a Memorandum and Recommendation by Judge Bryan dated January 22, 2025. Dkt 34. She recommends that a motion to dismiss by Defendant Navy Federal Credit Union be denied on the issue of subject matter jurisdiction but granted pursuant to [Federal Rule of Civil Procedure 12\(b\)\(6\)](#). Also pending are objections by Plaintiff to the Memorandum and Recommendation. Dkts 35 & 36.

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 F.2d 1219, 1221](#) (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if
2 satisfied that no *2 clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, [434 F.3d 303, 308](#) (5th Cir 2005), citing *Douglass v United Services Automobile Association*, [79 F.3d 1415, 1430](#) (5th Cir 1996, *en banc*); see also [FRCP 72\(b\)](#) advisory committee note (1983).

Upon *de novo* review and determination, Plaintiff's objections lack merit. The Memorandum and Recommendation clearly details the pertinent facts and correctly applies controlling law.

The objections by Plaintiff to the Memorandum and Recommendation of the Magistrate Judge are OVERRULED. Dkts 35 & 36.

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 34.

The motion to dismiss by Defendant is denied as to subject matter jurisdiction but is granted under [Rule 12\(b\)\(6\)](#).

This action is dismissed with prejudice.

This is a FINAL JUDGMENT.

SO ORDERED.
