

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

WILLIAM H. CLOWARD and
JEANNE C. CLOWARD,

Plaintiffs,

v.

AURORA LOAN SERVICES, LLC, ET AL.,

Defendants.

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Case No. 4:12cv336
(Judge Clark/Judge Mazzant)

**ORDER 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 September 6, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that defendants' Motion to Dismiss and, in the alternative, Motion for More Definite Statement [Doc. #13] be denied. Defendants filed objections on September 20, 2012 [Doc. #22].

Although the court does not think it is necessary to address the other objections, the court will address defendants' misplaced assertion that the Magistrate Judge denied them procedural due process by issuing a report and recommendation prior to the filing of a reply. Although defendants correctly cite the court's Local Rule CV-7 for the time allowed for a reply, defendants fail to include the remaining portion of the rule, which states, "[t]he court need not wait for the reply or sur-reply before ruling on the motion." Once the response is filed or the response time has passed, the motion is ripe for consideration, and defendant has no right to file a reply.

The court, having made a *de novo* review of the objections raised by defendants [Doc. #22],

is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

It is, therefore, **ORDERED** that defendants' Motion to Dismiss and, in the alternative, Motion for More Definite Statement [Doc. #13] is DENIED.

So **ORDERED** and **SIGNED** this **21** day of **September, 2012**.



Ron Clark, United States District Judge