

ENTERED

May 31, 2022

Nathan Ochsner, Clerk

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

CHARLES MOSELY,	§	CIVIL ACTION No.
Plaintiff,	§	4:21-cv-00396
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
NEWREZ MORTGAGE	§	
LLC,	§	
Defendant.	§	

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiff Charles Mosely brought this action *pro se* in the 215th Judicial District of Harris County, Texas. He alleges that Defendant NewRez Mortgage LLC d/b/a Shellpoint Mortgage Servicing made negligent misrepresentations regarding his mortgage payments on the property located at 3005 Nita Street, Houston, Texas 77051. Dkt 1-2 at ¶¶ 6–17.

Shellpoint removed the action based on diversity jurisdiction. Dkt 1. The case was referred to Magistrate Judge Sam S. Sheldon for full pretrial management pursuant to 28 USC § 636(b)(1)(A) and (B) and Rule 72 of the Federal Rules of Civil Procedure. Dkt 5. Mosely subsequently moved to remand, arguing that the amount in controversy doesn't exceed \$75,000. Dkt 22. Judge Sheldon issued a Memorandum and Recommendation on May 4, 2022. He addressed several evidentiary motions and ultimately recommended that the motion to remand be granted. Dkt 28. Neither party filed objections.

When no party objects to the conclusions of a magistrate judge, the reviewing court need only satisfy

itself 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, 1420 (5th Cir 1996); see also FRCP 72(b) advisory committee note (1983).

The Court has reviewed the pleadings, the record, the applicable law, and the recommendation. No clear error appears.

The Memorandum and Recommendation is ADOPTED as the Memorandum and Order of this Court. Dkt 28.


The motion by Plaintiff Charles Mosely to remand is GRANTED. Dkt 22.

This action is REMANDED to the 215th Judicial District of Harris County, Texas.

The Clerk of Court is ORDERED to provide a copy of this order to the 215th Judicial District of Harris County, Texas.

SO ORDERED.

Signed on May 31, 2022, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge