

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Marvin A. Sewell v. Franklin Credit Management Corporation

Sewell · No. 2:24-cv-1788 TLN SCR · Decided August 28, 2025

OPINION

(PS) Sewell v. Franklin Credit Mgt. Corp.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 MARVIN A. SEWELL,

12 Plaintiff, No. 2:24-cv-1788 TLN SCR 13 v.

14 FRANKLIN CREDIT MANAGEMENT ORDER

CORPORATION,

15 Defendant. 16

17 Plaintiff Martin A. Sewell (“Plaintiff”) is proceeding in this action in pro per. The matter 18
was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21) and 28 U.S.C.
19 § 636(b)(1). 20 On March 18, 2025, the magistrate judge filed findings and recommendations
which were 21 served on all parties and which contained notice that any objections to the findings
and 22 recommendations were to be filed within fourteen days. (ECF No. 25.) Plaintiff has filed
23 objections to the findings and recommendations. (ECF No. 26.) Defendant has filed a response
24 to the objections to the findings and recommendation. (ECF No. 27.) 25 The Court presumes
that any findings of fact are correct. See *Orand v. United States*, 602 26 F.2d 207, 208 (9th Cir.
1979). The magistrate judge’s conclusions of law are reviewed de novo. 27 See *Robbins v. Carey*,
481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the 28 1 magistrate judge are
reviewed de novo by both the district court and [the appellate] court[.]”). 2 Having reviewed the
file, the Court finds the findings and recommendations to be supported by 3 the record and by the
proper analysis. 4 Accordingly, IT IS HEREBY ORDERED that: 5 1. The findings and
recommendations filed March 18, 2025, are adopted in full; and 6 2. Defendant’s Motion to
Dismiss, (ECF No. 6), is GRANTED in part and DENIED in part, 7 as follows: 8 a. GRANTED
as to the fifth and sixth causes of action WITHOUT LEAVE TO 9 AMEND; 10 b. GRANTED as
to the first, second, and third causes of action WITH LEAVE TO 11 AMEND; 12 c. DENIED as
to the eighth cause of action; and 13 d. GRANTED as to the seventh, ninth, and tenth causes of
action, but WITH 14 LEAVE TO REASSERT these claims upon amendment of the first, second,

or 15 third cause of action in accordance with the Court's order. 16 Date: August 27, 2025 17 18
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