

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Derek Brown v. Newrez, LLC

Brown v. Newrez · No. 25-11552 · Decided February 6, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan overruled Derek Brown’s objection to the magistrate judge’s Report and Recommendation, adopted the recommendation, and granted Newrez LLC’s motion to dismiss. The court dismissed Brown’s Fair Debt Collection Practices Act complaint, finding that his one-sentence objection did not identify a specific error and that the Report and Recommendation contained no clear error.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	Shalina D. Kumar
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	February 6, 2026
DOCKET	25-11552
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff objected to a magistrate judge's report and recommendation recommending dismissal under Federal Rule of Civil Procedure 12(b) (6). The district court reviewed the objection, overruled it, adopted the report and recommendation, granted the motion to dismiss, and dismissed the complaint.
STANDARD OF REVIEW	Specific objections to a magistrate judge's report and recommendation receive de novo review under Federal Rule of Civil Procedure 72(b) (3). When an objection is general or merely reiterates arguments previously presented, the report and recommendation is reviewed for clear error.
PRECEDENTIAL VALUE	unknown
PARTIES	Derek Brown v. Newrez, LLC d/b/a Shellpoint Mortgage Servicing

TOPICS

motions to dismiss

civil procedure

pleadings

fair debt collection

PRACTICE AREAS

civil procedure

consumer protection

fair debt collection

QUESTIONS PRESENTED

1. Whether Brown's one-sentence objection adequately identified a specific error in the magistrate judge's report and recommendation so as to require de novo review.
2. Whether the report and recommendation should be adopted and Brown's complaint dismissed for failure to state a claim.

HOLDINGS

1. An objection must specifically identify the challenged finding or determination and explain how the magistrate judge's analysis was erroneous; a general objection that does not do so is not entitled to de novo review.
2. The court found no clear error in the report and recommendation, adopted it, granted Newrez's Rule 12(b)(6) motion, and dismissed Brown's complaint.

KEY QUOTATIONS

"A general objection, or one that merely restates the arguments previously presented and addressed by the magistrate judge, does not sufficiently identify alleged errors in the report and recommendation." (at 3)

"The Court therefore OVERRULES Brown's objection (ECF No. 17), ADOPTS the R&R (ECF No.15), GRANTS Shellpoint's motion to dismiss (ECF No. 4), and DISMISSES Brown's complaint (ECF No. 1)." (at 4)

FACTUAL BACKGROUND

Derek Brown, proceeding pro se, sued Newrez, LLC d/b/a Shellpoint Mortgage Servicing alleging violations of the Fair Debt Collection Practices Act. The complaint was challenged through a Rule 12(b)(6) motion, and the magistrate judge recommended dismissal for failure to state a claim. Brown's only objection to the recommendation was, "I would like a better answer."

PROCEDURAL HISTORY

Brown filed a pro se complaint against Newrez, LLC alleging violations of the Fair Debt Collection Practices Act. Newrez moved to dismiss under Rule 12(b)(6), and the magistrate judge issued a report and recommendation recommending dismissal for failure to state a claim. Brown filed a one-sentence objection stating, "I would like a better answer." The district court found no clear error, adopted the report and recommendation, granted the motion, dismissed the complaint, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 151 (1985)
- Hill v. Duriron Co., 656 F.2d 1208, 1215 (6th Cir. 1981)
- Lardie v. Birkett, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002)
- Mira v. Marshall, 806 F.2d 636, 637 (6th Cir. 1986)
- Miller v. Currie, 50 F.3d 373, 380 (6th Cir. 1995)
- Howard v. Secretary of Health & Human Services, 932 F.2d 505, 509 (6th Cir. 1991)
- Verdone v. Commissioner of Social Security, 2018 WL 1516918, at *2 (E.D. Mich. Mar. 28, 2018)
- Ramirez v. United States, 898 F. Supp. 2d 659, 663 (S.D.N.Y. 2012)
- Equal Employment Opportunity Commission v. Dolgencorp, LLC, 277 F. Supp. 3d 932, 965 (E.D. Tenn. 2017)

OPINION

Brown

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

DEREK BROWN,

Plaintiff, Case No. 25-11552 Honorable Shalina D. Kumar v. Magistrate Judge Anthony P. Patti

NEWREZ, LLC,

Defendant.

ORDER OVERRULING PLAINTIFF’S OBJECTION (ECF NO. 17),

ADOPTING REPORT AND RECOMMENDATION (ECF NO. 15),

GRANTING DEFENDANT’S MOTION TO DISMISS (ECF NO. 4), AND

DISMISSING PLAINTIFF’S COMPLAINT

I. Introduction Plaintiff Derek Brown (“Brown”), proceeding pro se, sued defendant Newrez LLC d/b/a Shellpoint Mortgage Servicing (“Shellpoint”) alleging violations of the Fair Debt Collection Practices Act. ECF No. 1. This case was referred to the assigned magistrate judge for all pretrial matters under 28 U.S.C. § 636(b)(1). ECF No. 3. Shellpoint moved to dismiss Brown’s complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF No. 4. The motion was fully briefed, ECF Nos. 12, 13, and the magistrate judge issued a Report and Recommendation (“R&R”). ECF No. 15. The R&R Page 1 of 4 recommends that Shellpoint’s motion be granted and Brown’s complaint be dismissed because Brown has failed to state a claim for which relief may be granted. Id. Brown filed a timely objection to the R&R. ECF No. 17. II. Analysis Pursuant to Federal Rule

of Civil Procedure 72, a party may object to and seek review of a magistrate judge's report and recommendation. See Fed. R. Civ. P. 72(b)(2). Objections must be stated with specificity. *Thomas v. Arn*, 474 U.S. 140, 151 (1985) (citation omitted). If objections are made, “[t]he district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3). De novo review requires at least a review of the evidence before the magistrate judge; the Court may not act solely on the basis of a magistrate judge's report and recommendation. See *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981). After reviewing the evidence, the Court is free to accept, reject, or modify the findings or recommendations of the magistrate judge. See *Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002). Only those objections that are specific are entitled to de novo review under the statute. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986). Page 2 of 4 Objections to any part of a magistrate judge’s disposition “must be clear enough to enable the district court to discern those issues that are dispositive and contentious.” *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995); see also *Arn*, 474 U.S. at 147 (stating that the purpose of the rule is to “focus attention on those issues ... that are at the heart of the parties’ dispute.”). Each objection to the magistrate judge's recommendation should include how the analysis is wrong, why it was wrong, and how de novo review will obtain a different result on that particular issue. See *Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). Without specific objections, “[t]he functions of the district court are effectively duplicated as both the magistrate and the district court perform identical tasks. This duplication of time and effort wastes judicial resources rather than saving them, and runs contrary to the purposes of the Magistrate’s Act.” *Id.* A general objection, or one that merely restates the arguments previously presented and addressed by the magistrate judge, does not sufficiently identify alleged errors in the report and recommendation. *Id.* When an objection merely reiterates the arguments presented to the magistrate judge, the report and recommendation should be reviewed for clear error. *Verdone v. Comm’r of Soc. Sec.*, 2018 WL Page 3 of 4 1516918, at *2 (E.D. Mich. Mar. 28, 2018) (citing *Ramirez v. United States*, 898 F. Supp. 2d 659, 663 (S.D.N.Y. 2012)); *Equal Employment Opportunity Comm’n v. Dolgencorp, LLC*, 277 F. Supp. 3d 932, 965 (E.D. Tenn. 2017)). Brown’s objection contains one sentence: “I would like a better answer.” ECF No. 17, PageID.186. Because this objection fails to challenge a specific finding or determination within the R&R, the Court carefully reviewed the R&R for clear error and found none. III. Conclusion The Court therefore **OVERRULES** Brown’s objection (ECF No. 17), **ADOPTS** the R&R (ECF No.15), **GRANTS** Shellpoint’s motion to dismiss (ECF No. 4), and **DISMISSES** Brown’s complaint (ECF No. 1). To the extent not otherwise disposed of, any scheduled hearings are **CANCELLED**, and all pending motions are **DENIED AS MOOT**. This matter is now closed. **IT IS SO ORDERED.** s/ Shalina D. Kumar

SHALINA D. KUMAR

Dated: February 6, 2026 United States District Judge Page 4 of 4

