

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

John Randall v. NewRez LLC

No. 2:25-cv-01124-DBB-DAO (D. Utah June 4, 2026) · No. 2:25-cv-01124-DBB-DAO · Decided June 4, 2026

SUMMARY

The United States District Court for the District of Utah adopted a magistrate judge’s Report and Recommendation in an action alleging breach of a settlement agreement and violations of the Fair Credit Reporting Act. The court dismissed the FCRA claim without prejudice, declined to exercise supplemental jurisdiction over the remaining state-law contract claim, and remanded the case to state court. The court then directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	David Barlow
JURISDICTION	United States District Court for the District of Utah
DECIDED	June 4, 2026
DOCKET	2:25-cv-01124-DBB-DAO
DISPOSITION	remanded
PROCEDURAL POSTURE	After removal based on federal-question jurisdiction, Defendant moved to dismiss. Plaintiff requested dismissal of his Fair Credit Reporting Act claim and remand of the remaining breach-of-contract claim. The magistrate judge recommended partial dismissal and remand; no objections were filed, and the district court reviewed the recommendation for clear error.
STANDARD OF REVIEW	The court reviews timely and proper objections to a report and recommendation de novo and reviews unobjected-to portions for clear error. Clear error requires a definite and firm conviction that a mistake has been committed.
PRECEDENTIAL VALUE	Unknown; memorandum decision and order adopting a report and recommendation

TOPICS

- motions to dismiss
- subject matter jurisdiction
- consumer protection
- breach of contract
- civil procedure

PRACTICE AREAS

civil procedure

federal jurisdiction

consumer protection

contracts

QUESTIONS PRESENTED

1. Whether the magistrate judge's report and recommendation should be adopted when no party filed objections.
2. Whether Plaintiff's Fair Credit Reporting Act claim should be dismissed without prejudice after Plaintiff abandoned or requested dismissal of that claim.
3. Whether the remaining state-law breach-of-contract claim should be remanded because the court should decline to exercise supplemental jurisdiction.

HOLDINGS

1. When no objections are filed, the district court reviews the unobjected-to portions of a report and recommendation for clear error and may adopt the recommendation if no clear error appears.
2. Plaintiff's Fair Credit Reporting Act claim was dismissed without prejudice after Plaintiff abandoned or requested dismissal of that claim.
3. The remaining state-law breach-of-contract claim was remanded after the court adopted the recommendation to decline supplemental jurisdiction.

KEY QUOTATIONS

"To overturn a decision as clearly erroneous, the court must be left with a "definite and firm conviction that a mistake has been committed."" (Standard)

"No objections were filed, and therefore, the Report and Recommendation is reviewed for clear error." (Discussion)

FACTUAL BACKGROUND

Plaintiff alleged that NewRez LLC breached a settlement agreement and violated the Fair Credit Reporting Act. Defendant removed the action to federal court based on federal-question jurisdiction. Plaintiff later requested dismissal of the FCRA claim and remand so that only the breach-of-contract claim would proceed in state court.

PROCEDURAL HISTORY

Plaintiff filed claims for breach of a settlement agreement and violation of the Fair Credit Reporting Act. Defendant removed the action to federal court and moved to dismiss for failure to state a claim. The magistrate judge recommended dismissing the abandoned FCRA claim without prejudice and remanding the remaining state-law claim because the court should decline supplemental jurisdiction. The district court adopted the recommendation, granted the motion to dismiss in part, granted remand, and directed the clerk to remand and close the case.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Clerk of Court was directed to remand the remaining state-law claim and then close the case.

CASES CITED

- Johnson v. Progressive Leasing, No. 2:22-cv-00052, 2023 WL 4044514, at *2 (D. Utah 2023)
- Johnson v. Zema Sys. Corp., 170 F.3d 734, 739 (7th Cir. 1999)
- United States v. Gypsum Co., 333 U.S. 364, 395 (1948)
- Ocelot Oil Corp. v. Sparrow Indus., 847 F.2d 1458, 1464 (10th Cir. 1988)

OPINION

Randall

PER CURIAM.

UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

JOHN RANDALL,

MEMORANDUM DECISION AND

Plaintiff, ORDER ADOPTING [14] REPORT AND

RECOMMENDATION

v. Case No. 2:25-cv-01124-DBB-DAO

NEWREZ LLC,

District Judge David Barlow Defendant. Magistrate Judge Daphne A. Oberg Before the court is United States Magistrate Judge Daphne A. Oberg’s Report and Recommendation.¹ It recommends granting in part Defendant’s Motion to Dismiss² and granting Plaintiff’s Motion to Remand.³

BACKGROUND

Plaintiff claims that Defendant breached a settlement agreement and violated the Fair Credit Reporting Act (“FCRA”).⁴ Defendant removed the action to federal court based on federal question jurisdiction,⁵ then moved to dismiss the complaint for failure to state a claim.⁶ In 1 R. & R. (“R&R”), ECF No. 14, filed May 19, 2026. 2 Mot. to Dismiss (“MTD”), ECF No. 5, filed December 18, 2025. 3 Pl. John Randall’s Response to Order to Show Cause (“MTR”), ECF No. 10, filed February 19, 2026. The Magistrate Judge construed this response as a motion to remand. Order, ECF No. 11, filed February 27, 2026.

4 Compl. at 2, ECF No. 1-1, filed December 11, 2025.

5 Notice of Removal ¶¶ 6–8, ECF No. 1, filed December 11, 2025. 6 MTD. response, Plaintiff requested that the court dismiss the FCRA claim and remand the case to proceed only on the breach of contract claim.⁷ The Magistrate Judge first recommended granting Defendant’s motion

to dismiss on the FCRA claim on the basis that Plaintiff has abandoned this claim.⁸ The Magistrate Judge next recommends granting the motion to remand on the basis that the court should decline to exercise supplemental jurisdiction over the remaining state law claim.⁹

STANDARD

The court conducts a de novo review of any part of a report and recommendation for which a plaintiff offers a timely and proper objection.¹⁰ This court “reviews unobjected-to portions of a report and recommendation for clear error.”¹¹ To overturn a decision as clearly erroneous, the court must be left with a “definite and firm conviction that a mistake has been committed.”¹²

DISCUSSION

No objections were filed, and therefore, the Report and Recommendation is reviewed for clear error. The magistrate judge’s analysis and conclusion are not clearly erroneous. Accordingly, the court adopts the Report and Recommendation. 7 MTR 1–2. 8 R&R 4–5, 7.

⁹ Id. 5–7.

¹⁰ Fed. R. Civ. P. 72(b)(3). ¹¹ *Johnson v. Progressive Leasing*, No. 2:22-cv-00052, 2023 WL 4044514, at *2 (D. Utah 2023) (citing *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); see Fed. R. Civ. P. 72(b) adv. comm. note to 1983 amend. (“[T]he court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”)).

¹² *United States v. Gypsum Co.*, 333 U.S. 364, 395 (1948); see also *Ocelot Oil Corp. v. Sparrow Indus.*, 847 F.2d 1458, 1464 (10th Cir. 1988).

ORDER

For the reasons stated above, the court:

1. ADOPTS the Report and Recommendation.»
2. GRANTS in PART Defendant’s Motion to Dismiss.¹⁴ Plaintiff’s Fair Credit Reporting Act claim is dismissed without prejudice.
3. GRANTS Plaintiffs Motion to Remand.
4. The Clerk of the Court is directed to remand and then close this case.

Signed June 4, 2026.

BY THE COURT

Io David Barlow United States District Judge 3 ECF No. 14. ECF No. 5. > ECF No. 10.