

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, SHERMAN DIVISION**

Heather Wing v. National Credit Systems, Inc.

Wing · No. 4:25-cv-608-JDK-KNM · Decided February 11, 2026

SUMMARY

The United States District Court for the Eastern District of Texas adopts a magistrate judge's report and recommendation concerning Defendant National Credit Systems, Inc.'s motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). The court grants the motion in part, denies it in part as moot, dismisses the complaint without prejudice, and allows the plaintiff thirty days to file an amended complaint.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION HEATHER WING, § § Plaintiff, § § v. § Case No. 4:25-cv-608-JDK-KNM § NATIONAL CREDIT SYSTEMS, INC., § § Defendant. § ORDER ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE Before the Court is Defendant National Credit Systems Inc.'s motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).

Docket No. 10. This case was referred to a United States Magistrate Judge K. Nicole Mitchell in accordance with 28 U.S.C. § 636. On January 21, 2026, Judge Mitchell issued a Report and Recommendation recommending that the motion to dismiss be granted in part,¹ the Plaintiff's complaint be dismissed without prejudice, and the Plaintiff be given thirty days to file an amended complaint curing the deficiencies in her original complaint.

Docket No. 13. No written objections have been filed. This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1).

In conducting a de novo review, the Court 1 Judge Mitchell recommended the motion to dismiss be denied in part as moot with respect to a claim Plaintiff did not raise in her complaint. Docket No. 13 at 12. examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no objections were filed. The Court therefore reviews Judge Mitchell's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendations, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby ADOPTS the Report and Recommendation of the United States Magistrate Judge (Docket No. 13) as the findings of this Court, GRANTS in part and DENIES in part as moot the motion to dismiss (Docket No. 10), and DISMISSES Plaintiff's complaint without prejudice.

Plaintiff shall have thirty days to file an amended complaint curing the deficiencies in her original complaint. Failure to timely file an amended complaint will result in the entry of final judgment. So ORDERED and SIGNED this 11th day of February, 2026. G5, LHe UNITED STATES DISTRICT JUDGE