

NOT RECOMMENDED FOR PUBLICATION

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No. 16-2674

FILED
Sep 14, 2017
DEBORAH S. HUNT, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

SAMUEL MICKENS,)
)
Plaintiff-Appellant,)
)
v.)
)
MERCANTILE BANK MORTGAGE COMPANY,)
LLC, a Michigan Limited Liability Company, et al.,)
)
Defendant-Appellee.)
)
)

ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE WESTERN
DISTRICT OF MICHIGAN

BEFORE: NORRIS, SUHRHEINRICH, and GRIFFIN, Circuit Judges.

PER CURIAM. Plaintiff-Appellant Samuel Mickens challenges the district court’s ruling that his Equal Credit Opportunity Act (ECOA) claims for discriminatory lending practices against Defendants Mercantile Bank Mortgage Company, LLC and its parent, Mercantile Bank Corporation (collectively Mercantile) are time-barred under 15 U.S.C. § 1691e(f). The district court held that the two-year limitations period ran from Mercantile’s last alleged culpable act in 2007, making Mickens’ 2015 filing untimely. The district court also held that Mickens was not entitled equitable tolling on the facts alleged.

On appeal, Mickens argues that the district court erred by rejecting the discovery rule and failing to apply equitable tolling, and that as a practical matter this improperly converted § 1691e(f) into a statute of repose. We review the motion to dismiss for failure-to-state-a-claim ruling de novo and, having duly considered the parties’ arguments below and on appeal, we find

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that the district court properly disposed of each of his arguments in its well-reasoned opinion dated October 27, 2016. We therefore **AFFIRM** the judgment of the district court based on the analysis set forth in its opinion.