

United States Court of Appeals
For the Eighth Circuit

No. 13-3294

James Arthur Cockhren; Margaret Louise Cockhren

Plaintiffs - Appellants

v.

MidWestOne Bank, Cedar Falls Office; Bill Roth; James Chizek

Defendants - Appellees

Appeal from United States District Court
for the Northern District of Iowa, Waterloo

Submitted: May 21, 2014

Filed: June 6, 2014

[Unpublished]

Before LOKEN, MURPHY, and SMITH, Circuit Judges.

PER CURIAM.

James and Margaret Cockhren obtained a secured loan from MidWestOne Bank in 2003. The Bank commenced foreclosure on the mortgaged property in December 2010; the Cockhrens counterclaimed alleging failure to comply with federal Truth in Lending Act (TILA) requirements. The state court granted foreclosure, and the Supreme Court of Iowa affirmed.

The Cockhrens filed a Chapter 7 bankruptcy case in March 2011; one asset was their claims against the Bank. The trustee entered into a settlement releasing the estate's claims against the Bank and its employees and agents. The bankruptcy court approved the settlement over the Cockhrens' objection; the Bankruptcy Appellate Panel and this court affirmed. See In re Cockhren, 11-50 (Bankr. N.D. Iowa 2011), aff'd, 468 B.R. 838, 841 (B.A.P. 8th Cir. 2012), aff'd, Cockhren v. MidWestOne Bank, No. 12-2141 (8th Cir. 2012)

The Cockhrens then commenced this *pro se* action alleging the same TILA claims against the Bank and its employees and agents. The district court¹ dismissed the complaint under Fed. R. Civ. P. 12(b)(6) because the claims had been released as part of the bankruptcy settlement. The Cockhrens appeal. After careful review of the record, we affirm for the reasons stated by the district court in its Order dated September 20, 2013. See 8th Cir. R. 47B.

¹The Honorable Edward J. McManus, United States District Judge for the Northern District of Iowa.