

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-1478

ROCHELL TALLEY,

Plaintiff - Appellant,

v.

OCWEN LOAN SERVICING, LLC.; FEDERAL NATIONAL MORTGAGE
ASSOCIATION; INDYMAC BANK, F.S.B.; ONE WEST BANK, FSB; BWW
LAW GROUP, LLC, jointly, severally and/or in the
alternative,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. Roger W. Titus, Senior District Judge.
(8:16-cv-00389-RWT)

Submitted: January 5, 2017

Decided: January 19, 2017

Before MOTZ, WYNN, and HARRIS, Circuit Judges.

Affirmed in part, vacated in part, and remanded by unpublished
per curiam opinion.

Rochell Talley, Appellant Pro Se. Edward Win-Teh Chang, BLANK
ROME, LLP, Philadelphia, Pennsylvania; Matthew Daniel Cohen,
BIERMAN GEESING WARD & WOOD, LLC, Bethesda, Maryland, for
Appellees

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rochell Talley appeals the district court's order granting defendants' Fed. R. Civ. P. 12(b)(6) motions to dismiss his civil action. In his informal brief, Talley asserts, *inter alia*, that the district court did not respond to his request to amend his complaint, which was made in his opposition to the motions to dismiss. Federal Rule of Civil Procedure 15(a)(2) provides that "[t]he court should freely give leave [to amend] when justice so requires," which we have construed to mean "that leave to amend a pleading should be denied only when the amendment would be prejudicial to the opposing party, there has been bad faith on the part of the moving party, or the amendment would have been futile." Laber v. Harvey, 438 F.3d 404, 426 (4th Cir. 2006) (en banc) (internal quotation marks omitted). Because the district court has not ruled on the merits of Talley's request to amend, we vacate the dismissal of Counts X through XVI and remand for the district court to specifically address Talley's request and any response.

With regard to Counts I through IX, we have reviewed the record and find no reversible error. We therefore affirm the dismissal of those claims for the reasons stated by the district court. Talley v. Ocwen Loan Servicing, LLC, No. 8:16-cv-00389-RWT (D. Md. Apr. 5, 2016). We grant Talley's motion to amend informal brief, deny his motion for leave to file informal reply

brief, and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED IN PART,
VACATED IN PART,
AND REMANDED