

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-2139**

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EMETERIO H. SIMON; DIANA C. SIMON,

Plaintiffs - Appellants,

v.

PNC BANK, N.A.; FEDERAL HOME LOAN MORTGAGE CORPORATION;  
SAMUEL I. WHITE, P.C., As Substitute Trustee,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of Virginia, at  
Norfolk. Arenda L. Wright Allen, District Judge. (2:16-cv-00388-AWA-LRL)

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Submitted: May 23, 2018

Decided: June 1, 2018

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Before GREGORY, Chief Judge, and AGEE and THACKER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Henry W. McLaughlin, III, LAW OFFICE OF HENRY MCLAUGHLIN, P.C.,  
Richmond, Virginia, for Appellants. Christopher L. Perkins, Jonathan A. Haist,  
LECLAIRRYAN, Richmond, Virginia; Lisa H. Kim, SAMUEL I. WHITE, P.C.,  
Virginia Beach, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

## PER CURIAM:

Emeterio H. Simon and Diana C. Simon appeal the district court's order granting Defendants' motions to dismiss and dismissing the Simons' complaint regarding the procedures used to foreclose on their home. We review de novo a district court's dismissal of a complaint under Fed. R. Civ. P. 12(b)(6), accepting factual allegations in the complaint as true and "drawing all reasonable inferences in [the plaintiffs'] favor." *Mason v. Mach. Zone, Inc.*, 851 F.3d 315, 319 (4th Cir. 2017). We have reviewed the record and find no reversible error. We also find that certification to the Virginia Supreme Court is unnecessary. *See* Va. Sup. Ct. R. 5:40(a); *Roe v. Doe*, 28 F.3d 404, 407 (4th Cir. 1994) ("Only if the available state law is clearly insufficient should the court certify the issue to the state court."). Accordingly, we affirm for the reasons stated by the district court. *See Simon v. PNC Bank, N.A.*, No. 2:16-cv-00388-AWA-LRL (E.D. Va. Aug. 29, 2017). We 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*