

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-1055

DWIGHT NICHOLS,

Plaintiff - Appellant,

v.

PROFESSIONAL FORECLOSURE CORPORATION OF VIRGINIA;
NATIONSTAR MORTGAGE, LLC, d/b/a Mr. Cooper; THE BANK OF NEW
YORK MELLON TRUST COMPANY, N.A., not in its individual capacity but
solely as trustee on behalf of the FDIC 2013-R2 Asset Trust; CHICAGO TITLE
INSURANCE COMPANY,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at
Norfolk. Arenda L. Wright Allen, District Judge. (2:18-cv-00256-AWA-RJK)

Submitted: April 20, 2021

Decided: April 23, 2021

Before WILKINSON, MOTZ, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Dwight Nichols, Appellant Pro Se. Dennis Kyle Deak, TROUTMAN PEPPER
HAMILTON SANDERS LLP, Raleigh, North Carolina; Lisa Hudson Kim, KAUFMAN &
CANOLES, PC, Virginia Beach, Virginia; Lisa Marie Ernest, FIDELITY NATIONAL
LAW GROUP, Vienna, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dwight Nichols appeals the district court's order dismissing his second amended complaint alleging fraud in connection with his mortgage contract as time-barred. We have reviewed the record and find no reversible error. Nichols asserts that \$150,000 was deposited into his bank account in 2006 for a mortgage for which he did not apply. A person of ordinary prudence exercising due diligence would have known in 2006 that some fraud may have occurred. Thus, Nichols' complaint, filed in 2018, is barred by Virginia's two-year statute of limitations. * See Va. Code Ann. § 8.01-243(A); *Schmidt v. Household Fin. Corp.*, 661 S.E. 2d 834, 838-39 (Va. 2008). Accordingly, although we grant leave to proceed in forma pauperis, we affirm for the reasons stated by the district court. *Nichols v. Prof. Foreclosure Corp.*, No. 2:18-cv-00256-AWA-RJK (E.D. Va. Jan. 3, 2020). 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

* We reject Nichols' assertion that the district court lacked diversity jurisdiction.