

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 14-1248

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Georgina Stephens; Larry Alexander, (a married couple)

*Plaintiffs - Appellants*

v.

Federal National Mortgage Association, a federally chartered corporation, all unknown successors, and all other persons unknown claiming any right, title, interest, or lien in the real estate described in the complaint herein and John Doe and Jane Doe

*Defendant - Appellee*

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Appeal from United States District Court  
for the District of Minnesota - Minneapolis

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Submitted: August 25, 2014  
Filed: August 29, 2014  
[Unpublished]

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Before WOLLMAN, GRUENDER, and SHEPHERD, Circuit Judges.

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PER CURIAM.

In this action challenging a foreclosure-by-advertisement sale of property, Larry Alexander and Georgina Stephens appeal from the adverse final judgment

entered by the district court.<sup>1</sup> For reversal, they argue that this action was improperly removed from state court to federal court, and that the district court erred in dismissing four of their claims.

Upon careful de novo review, we first conclude that this action was properly removed based upon diversity jurisdiction. See 28 U.S.C. § 1441 (any civil action brought in state court of which district court has original jurisdiction may be removed by defendant to district court); see also 28 U.S.C. § 1332 (describing district courts' original jurisdiction based on diversity of citizenship and amount in controversy); Cedar Rapids Cellular Tel., L.P. v. Miller, 280 F.3d 874, 878 (8th Cir. 2002) (district court's ruling on subject matter jurisdiction is reviewed de novo). We further conclude that the district court did not err in dismissing plaintiffs' claims. See Butler v. Bank of Am., N.A., 690 F.3d 959, 961 (8th Cir. 2012) (grant of motion to dismiss for failure to state claim is reviewed de novo); Miller v. Redwood Toxicology Lab., Inc., 688 F.3d 928, 931 (8th Cir. 2012) (court may consider materials that are part of public records in deciding motion to dismiss); see also Ashcroft v. Iqbal, 556 U.S. 662, 681 (2009) (conclusory allegations are not entitled to be assumed true).

Accordingly, we affirm. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable John R. Tunheim, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Steven E. Rau, United States Magistrate Judge for the District of Minnesota.